

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

www.dnr.state.md.us/criticalarea/

July 1, 2008

Ms. Janet Davis, Critical Area Planner
Department of Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

Re: Salt Grass Point Farms Subdivision


Dear Ms. Davis:

Thank you for submitting the revised site plans for the above referenced project. The applicant proposes to create twelve lots, five of which are in the Critical Area Resource Conservation Area (RCA). Materials have been submitted addressing some of the issues listed in my May 24, 2007 Letter; however the items listed below are still outstanding. I have reviewed the resubmitted information and have the following comments:

1. To help ensure that future property owners are aware of pier restrictions for this site, please have the applicant add a note to the plat stating that Worcester Code NR 3-125(b) limits private piers or docks to no more than 100 feet in length over State or private wetlands. Given the extensive tidal wetlands along the shorelines of the proposed lots, we recommend that if a pier is created, the applicant provide a single community pier with 5 slips (in which case this office would not support variances for additional private piers at this site).
2. The established Buffer should resemble areas of existing forest which is a mix of loblolly pine, sweet gum, and red maple. I recommend a greater diversity of trees be planted in the Buffer than just loblolly.

Thank you for the opportunity to provide comments. Please contact me with any questions at 410-260-3479.

Sincerely,


Marshall Johnson
Natural Resources Planner

cc: WC 171-07

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

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July 1, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: MISP# 04-08-06-0002-C, Commercial Shopping Center - Kent Island Crossing

Dear Ms. Tompkins:

Thank you for providing revised plans for the above referenced project site plan. The lot is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area, based on the growth allocation that was approved on this site. The applicant proposes to redevelop the site with new commercial development. This office has the following comments on the resubmitted material.

1. The 100-foot Buffer must be drawn from the landward extent of tidal wetlands on this site and must further include the extent of the non-tidal wetland contiguous to the 100 foot Buffer on the site. The Critical Area Buffer line should be labeled as "Critical Area Buffer" and shown consistently on the plan. In order to ensure that the Buffer location is clear for all of the project related activities, please have the applicant correctly label the line on all sheets of the plan set where it occurs. Please ensure that the legends and line style designated for the Critical Area Buffer are consistent throughout.
2. A note on the plat states that the Critical Area line was scaled from the 1972 wetland maps. Maps delineating the Critical Area were formally approved as part of the County Critical Area program and should be used to locate the Critical Area line on the site plan. If this results in a different location of the line, then area calculations for the plans would need to be recalculated to match.
3. The Critical Area Commission growth allocation approval of August 25, 2005 included a condition that the applicant shall obtain necessary approvals from MDE

Holly Tompkins
July 1, 2008
Page 2 of 2

for the stormwater outfall prior to final site plan approval. Please have the applicant submit copies of the MDE approval to meet this condition.

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 962-04

Martin O'Malley
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July 7, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: File #05-05-05-0012-C Project Name: High Meadows Farm, LLC

Dear Mr. Hall:

Thank you for providing the updated subdivision proposal information for this site. The applicant intends to create four new lots. This office has the following comment regarding the proposed subdivision:

1. The applicant's 6/18/08 letter states that the amended MET easement will be submitted once available. This office will review the recorded copy of the MET Easement when it is submitted to confirm that it meets applicable requirements. As stated previously, this must occur prior to final subdivision approval by the County.

Thank you for providing the information regarding this minor subdivision. If you have any questions related to this project please feel free to call me directly at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 399-06

Martin O'Malley
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July 7, 2008

Vivian Swinson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

**RE: 08-05-03 Administrative Variance (111 Murphy Lane)
Christina Simmons**

Dear Ms. Swinson:

Thank you for providing information on the above referenced variance request. The subject site is a 2.64 acre lot located within the Limited Developed Area (LDA) designation of the Chesapeake Bay Critical Area. The majority of the site is within the 100' Critical Area Buffer because the lot has shoreline on three sides due to its shape and location within the Critical Area Buffer. The only portion of the site outside of the Buffer is vegetated with trees. The site is a grandfathered lot currently developed with a single family dwelling, pool, stone paver pool patio, deck, stone paver walkway, two additional stone paver patios, bridge, walkway, greenhouse, gravel drive, gravel parking area, ramp, outdoor kitchen, porch, boat ramp and three concrete pads of unknown purpose, all of which are within the Critical Area 100 foot Buffer.

The applicant has proposed to construct four additions to the house, including a new porch and ramp in the Buffer and a new circular gravel driveway and a walkway in the Buffer to provide access to a proposed garage/living space. The proposed development in the Buffer is prohibited by Queen Anne's County Code § 14:1-51. Therefore the applicant has requested a variance request to the County Code. This office does not oppose the variance. The impacts to the Buffer should be minimized to the extent possible, for example we recommend reducing the size of the proposed driveway to the minimum width and length necessary to access the garage instead of proposing a large circular driveway.

Mitigation in the form of Buffer plantings must be provided at a ratio of 3:1 for the area of disturbance in the Buffer. A Buffer Management Plan that shows how the mitigation requirement will be met is required. There appears to be more than adequate space for the

Letter to Vivian Swinson
July 7, 2008
Page 2 of 2

plantings to be provided on site in the Buffer, in which case a fee in lieu is not appropriate. Please have the applicant submit a Buffer Management Plan. Prior to approval of this variance request, please also have the applicant confirm and submit documentation that mitigation requirements were met for board of appeals Case #V-0400013 and label any plantings from that variance on the Buffer Management Plan.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 202-08

346-08

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MEMORANDUM

To: Roland Limpert, Environmental Review Unit

From: Marshall Johnson

Date: July 7, 2008

RE: Town of Queenstown 2008 Draft Community Plan

This office has received the review notice for the Town of Queenstown 2008 Draft Community Plan. The Plan includes a description of intended future development of a property referred to as "Wheatland Farm" which is within the Critical Area RCA (Resource Conservation Area). The Town should be aware that RCA development standards excluding commercial use apply to land in the RCA. Growth Allocation would be required for some of the uses described in the Plan. Applicants for Growth Allocation must be approved by the Critical Area Commission. Thank you for the opportunity to review the draft Plan. If you have any questions, please call me at 410-260-3479.

cc: Amy Moore, Town of Queenstown (7013 Main Street, P. O. Box 4, Queenstown, MD 21658)

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

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July 8, 2008

Pat Pudelkewicz
Harford Co. Dept. of Planning and Zoning
220 South Main Street
Bel Air, MD 21014

RE: Bush River Village Revised Plans

Dear Ms. Pudelkewicz:

I have received revised plans for this project from the consultant. The applicant proposes to develop the site with a shopping center within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area. I have reviewed the stormwater and landscaping revisions and have no further comments.

Thank you for the opportunity to provide comments on this proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to be "M. Johnson".

Marshall Johnson
Natural Resources Planner

cc: HC 63-05
Jim Scharfe, Frederick Ward Assoc. (PO Box 727, 5 South Main Street, Bel Air, MD 21014-0727)

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Lt. Governor



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July 11, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 03-04-05-0003-C, Southeast Creek, LLC Amendment #1

Dear Mr. Hall:

Thank you for providing information on the above referenced amendment to this subdivision project. The applicant proposes to create an additional lot in the RCA based on a revised wetland delineation by McCarthy and Associates in May 2008. Please have the applicant submit information from McCarthy and Associates describing what methods were used to determine the location of state versus private wetlands so that we may determine whether a site visit with Maryland Department of the Environment (MDE) representatives is required for concurrence prior to approval of the proposal.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 376-08

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July 11, 2008

Ms. Janet Davis, Critical Area Planner
Department of Development Review and Permitting
Worcester County
One West Market Street, Room 1201
Snow Hill, MD 21863

RE: Smith Farms Partnership Subdivision
Collins Road

Dear Ms. Davis:

Thank you for submitting the subdivision plan and information for the above referenced project. I have reviewed the information submitted. This office has the following comments.

1. Please have the applicant add a note to the plat stating that potential Forest Interior Dwelling Species (FIDS) habitat is present on the site. Per County ordinance, including § NR 3-214 and § NR 3-121, disturbance to the forested areas on the site is prohibited.
2. Please have the applicant add a note to the plan stating that disturbance to the 100-foot Buffer is prohibited per County ordinance § NR 3-104.

I appreciate the opportunity to comment on this proposal. If you have any questions please feel free to contact me directly at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Marshall Johnson'.

Marshall Johnson
Natural Resources Planner

cc: WC 207-06

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July 11, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 05-08-07-0004-C, Cedar Grove Subdivision
Tax Map 51, Parcel 34**

Dear Mr. Hall:

Thank you for providing information on the above referenced proposal. The site is within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The applicant proposes to subdivide the existing property into two lots. Based on the information provided, we have the following comments.

1. Please confirm what date this application was accepted by the Department. If the plan was accepted on or after July 1, 2008, a 200-foot setback from tidal waters or tidal wetlands is required.
2. The 2008 changes to the Critical Area law amended the definition of a tributary stream to mean "a perennial or intermittent stream within the Critical Area that has been identified with site inspection or in accordance with local program procedures approved by the [Critical Area] Commission." Therefore, unless and until the County amends its Critical Area Program to include other provisions for identifying streams and those procedures are approved by the Critical Area Commission, site inspection is the only possible methodology under the law for identification of streams. It appears that there are streams on site that require a 100-foot Buffer.

Mr. Hall
July 11, 2008
Page 2 of 2

3. No nonconformities should be created, and all RCA development requirements must be addressed with any future development activity on the lots.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC ³⁹⁵⁻⁰⁸~~172-08~~

Martin O'Malley
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Lt. Governor



Margaret G. McHale
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July 14, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: REVISED COMMENT LETTER FOR: 04-08-06-0009-C, Dominion Rd Subdivision
Tax Map 57, Parcels 216**

Dear Mr. Hall:

Thank you for providing information on the above referenced proposal. The applicant proposes to subdivide an existing parcel into two lots. There is an existing dwelling, porch, gravel parking area, shed and two concrete walks on the site. The following comments apply to the proposal.

1. The submitted Critical Area Environmental Assessment refers to a five lot subdivision, for the lands of Violet Harris, occurring on Evans Road in Grasonville. However the application form and plan refer to a two lot subdivision on Dominion Road. Please clarify what information in the Critical Area report addresses the subject site.
2. If this application was accepted at the County on or after July 1, 2008, lot coverage limits of 15% apply to the new lots, and the subdivision plat must contain information regarding existing and proposed lot coverage. However, please note that Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Queen Anne's County approved impervious surface area limitations in effect prior to July 1, 2008 provided that;
 - a. The approved development plan remains valid in accordance with Queen Anne's County procedures and requirements; and

- b. By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Queen Anne's County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

3. If this application was accepted at the County on or after July 1, 2008, and the applicant does not implement the provision described in comment #2 above, the following will apply. The overall lot coverage limit of the proposed subdivision is 15%. The recent changes to the Critical Area law do not limit the amount of lot coverage on each lot provided the overall 15% lot coverage limit is met for the entire subdivision. Lot coverage means (1) the percent of a total lot or parcel that is occupied by a structure, accessory structure, parking area, driveway, walkway or roadway; or (2) covered with a gravel, stone, shell, impermeable decking, paver, permeable pavement, or an manmade material. Please confirm exactly when the subdivision was accepted at the County and if necessary, adjust the notes on the plan to accurately reflect lot coverage existing and allowed on each proposed lot.
4. The submitted report includes a letter to Maryland DNR Natural Heritage Division requesting a review of the proposal. According to our records, the site appears to be in close proximity to a sensitive species Project Review Area. Please submit a copy of the response from with the Maryland DNR Natural Heritage Division, and address whether additional protection measures are required.
5. Provided that no nonconformities are created and that all LDA development requirements are addressed with any development activity on the site, this office does not oppose the subdivision.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Ren Serey
Executive Director

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July 14, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 04-08-06-0009-C, Dominion Rd Subdivision
Tax Map 57, Parcels 216**

Dear Mr. Hall:

Thank you for providing information on the above referenced proposal. The applicant proposes to subdivide an existing parcel into two lots. There appears to be an existing gravel driveway on the site, but no other existing development. The following comments apply to the proposal.

1. The submitted Critical Area Environmental Assessment refers to a five lot subdivision, for the lands of Violet Harris, occurring on Evans Road in Grasonville. However the application form and plan refer to a two lot subdivision on Dominion Road. Please clarify what information in the Critical Area report addresses the subject site.
2. If this application was accepted at the County on or after July 1, 2008, lot coverage limits of 15% apply to the new lots, and the subdivision plat must contain information regarding existing and proposed lot coverage. However, please note that Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Queen Anne's County approved impervious surface area limitations in effect prior to July 1, 2008 provided that;
 - a. The approved development plan remains valid in accordance with Queen Anne's County procedures and requirements; and

- b.* By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Queen Anne's County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

3. If this application was accepted at the County on or after July 1, 2008, and the applicant does not implement the provision described in comment #2 above, the following will apply. The overall lot coverage limit of the proposed subdivision is 15%. The recent changes to the Critical Area law do not limit the amount of lot coverage on each lot provided the overall 15% lot coverage limit is met for the entire subdivision. Lot coverage means (1) the percent of a total lot or parcel that is occupied by a structure, accessory structure, parking area, driveway, walkway or roadway; or (2) covered with a gravel, stone, shell, impermeable decking, paver, permeable pavement, or an manmade material. Please confirm exactly when the subdivision was accepted at the County and if necessary, adjust the notes on the plan to accurately reflect lot coverage existing and allowed on each proposed lot.
4. The submitted report includes a letter to Maryland DNR Natural Heritage Division requesting a review of the proposal. According to our records, the site appears to be in close proximity to a sensitive species Project Review Area. Please submit a copy of the response from with the Maryland DNR Natural Heritage Division, and address whether additional protection measures are required.
5. Provided that no nonconformities are created and that all LDA development requirements are addressed with any development activity on the site, this office does not oppose the subdivision.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 405-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 14, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 04-08-06-0010-C, Dominion Rd Subdivision
Tax Map 57, Parcels 218**

Dear Ms. Jackson:

Thank you for providing information on the above referenced proposal. The applicant proposes to subdivide an existing parcel into two lots. There is an existing driveway on the site. The following comments apply to the proposal.

1. The submitted Critical Area Environmental Assessment refers to a five lot subdivision occurring on Evans Rd in Grasonville. However the application form and plan refer to a two lot subdivision on Dominion Rd. Please clarify what information in the Critical Area report addresses the subject site.
2. If this application was accepted at the County on or after July 1, 2008, lot coverage limits of 15% apply to the new lots, and the subdivision plat must contain information regarding existing and proposed lot coverage. However, please note that Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Queen Anne's County approved impervious surface area limitations in effect prior to July 1, 2008 provided that;
 - a. The approved development plan remains valid in accordance with Queen Anne's County procedures and requirements; and

- b.* By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Queen Anne's County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

3. If this application was accepted at the County on or after July 1, 2008, and the applicant does not implement the provision described in comment #2 above, the following will apply. The overall lot coverage limit of the proposed subdivision is 15%. The recent changes to the Critical Area law do not limit the amount of lot coverage on each lot provided the overall 15% lot coverage limit is met for the entire subdivision. Lot coverage means (1) the percent of a total lot or parcel that is occupied by a structure, accessory structure, parking area, driveway, walkway or roadway; or (2) covered with a gravel, stone, shell, impermeable decking, paver, permeable pavement, or an manmade material. Please confirm exactly when the subdivision was accepted at the County and if necessary, adjust the notes on the plan to accurately reflect lot coverage existing and allowed on each proposed lot.
4. The submitted report includes a letter to Maryland DNR Natural Heritage Division requesting a review of the proposal. According to our records, the site appears to be in close proximity to a sensitive species Project Review Area. Please submit a copy of the response from with the Maryland DNR Natural Heritage Division, and address whether additional protection measures are required.
5. Provided that no nonconformities are created and that all LDA development requirements are addressed with any development activity on the site, this office does not oppose the subdivision.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

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July 15, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: 04-0876, Riverwood Farms Variance

Dear Ms. Chaillet:

Thank you for providing information on the above-referenced variance application. The 1.73 acres lot is designated as a Limited Developed Area (LDA) and is completely within the Critical Area Buffer. The lot is undeveloped and forested. There are steep slopes on the site. The applicant is requesting a variance to allow construction of a house, SRA, walkway, driveway and associated utilities within the Buffer.

Providing the lot is properly grandfathered, this office does not oppose a variance; however, we recommend that the project minimize impacts to water quality and habitat by placing the structures as close to the road as practicable, minimizing driveway length and width, and centralizing the limits of disturbance to minimize removal of existing trees and other vegetation. In addition, the following comments apply to the proposal.

1. Our records indicate that this site is in the proximity of sensitive species Project Review Areas for State and federal species as well as within forest interior dwelling species (FIDS) habitat. The State Sensitive Species Project Review Areas are Habitat Protection Areas and must meet additional requirements under the County Critical Area Program. Please contact the Wildlife and Heritage Service of DNR at (410)260-8573 to determine whether this site requires additional conservation measures. Please submit a copy of a letter from Wildlife and Heritage Service of DNR regarding the proposal for this site.
2. For proposed development activity within FIDS habitat the FIDS development requirements must be addressed by completing the worksheet in the appendix of the

FIDS manual. FIDs mitigation should be provided for in a manner that meets the FIDS mitigation guidelines prior to approval of the development.

3. The new development should include stormwater management design elements which increase benefits to water quality from the stormwater leaving the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SM 400-08

Martin O'Malley
Governor

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Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 15, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 05-08-07-0001-C, Lands of Frank Dudley, Jr. et. al

Dear Ms. Jackson:

Thank you for providing information on the above referenced proposed subdivision. The subject site is located in the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The applicant proposes to divide one existing undeveloped parcel, which is separated into five tracts, into five new lots.

1. The proposal includes conversion of a non-waterfront tract into a developable waterfront lot. County Code § 14:1-22.D encourages reconfiguration of individual lots under single ownership to a permitted residential use only when doing so enables development to more closely comply with applicable Critical Area development standards. In order to approve this proposal, the County must confirm that the five tracts on the parcel are individual tracts of land subdivided into recorded, legally buildable lots and grandfathered under applicable provisions of the Critical Area law and Criteria, and the County Critical Area ordinance. Further, reconfiguring the tracts to create the proposed lots conflicts with County Code § 14:1-22.D because the proposal does not enable development on the site to more closely comply with the County Critical Area Program. For example, it would create a new waterfront development lot and riparian access right which results in an increase in development impact to water quality, wildlife habitat, the Critical Area Buffer and other habitat protection areas. The County should not allow the reconfiguration as proposed.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Ms. Jennifer Jackson
July 15, 2008
Page 2 of 2

2. In addition to the existing County language stated in comment #1 above, the 2008 Critical Area legislation contains the following requirements pertinent to the subdivision. In order for the County to approve an administrative subdivision to reconfigure grandfathered parcels or lots, the County needs to have done the following:
- Document that the individual tracts of land shown on the proposed subdivision application are grandfathered under applicable provisions of the Critical Area law and Criteria, and the County Critical Area ordinance.
 - Amend the County Critical Area ordinance to include procedures required by Chapter 119 of the 2008 Laws of Maryland for the reconfiguration of lots or parcels to bring those lands into conformance to the extent possible.
 - Submit the County procedures on the reconfiguration and consolidation of lots or parcels to the Critical Area Commission for approval as a formal amendment to the County local Critical Area Program

Thank you for the opportunity to comment. A revised subdivision plat should address the comments above. Please contact me if you have any questions. My phone number is (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 396-08
Ren Serey

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

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July 16, 2008

Steve Cohoon
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: Queen Anne's County, Consistency Report for Waterman's Boat Basin
Bulkhead Replacement**

Dear Mr. Cohoon:

I have received the materials showing the proposed project to replace the bulkhead at the boat basin of the County facility at the Waterman's Boat Basin. According to the consistency report you submitted no additional impervious surface is proposed. Only the bulkhead will be replaced as approved by a MDE. A MDE permit is under review and pending at this time. Based on the information provided, I concur that that the project appears to be consistent with the provisions of COMAR 27.02.02 and the criteria outlined within COMAR 27.01.02.03. The Critical Area Commission Staff has no further comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 411-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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July 16, 2008

Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 04-08-07-0002-C, Brent Subdivision
Tax Map 57, Parcels 274**

Dear Ms. Jackson:

Thank you for providing information on the above referenced subdivision proposal. The applicant proposes to subdivide an existing parcel into two lots. There is an existing dwelling, associated structures and a gravel driveway on the site. The following comments apply to the proposal.

1. If this application was accepted at the County on or after July 1, 2008, lot coverage limits of 15% apply to the new lots, and the subdivision plat must contain information regarding existing and proposed lot coverage. However, please note that Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize Queen Anne's County approved impervious surface area limitations in effect prior to July 1, 2008 provided that;
 - a. The approved development plan remains valid in accordance with Queen Anne's County procedures and requirements; and
 - b. By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

Ms. Jackson
July 16, 2008
Page 2 of 2

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by Queen Anne's County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

2. If this application was accepted at the County on or after July 1, 2008, and the applicant does not implement the provision described in comment #1 above, the following will apply. The overall lot coverage limit of the proposed subdivision is 15%. The recent changes to the Critical Area law do not limit the amount of lot coverage on each lot provided the overall 15% lot coverage limit is met for the entire subdivision. Lot coverage means (1) the percent of a total lot or parcel that is occupied by a structure, accessory structure, parking area, driveway, walkway or roadway; or (2) covered with a gravel, stone, shell, impermeable decking, paver, permeable pavement, or an manmade material. Please confirm exactly when the subdivision was accepted at the County and if necessary, adjust the notes on the plan to accurately reflect lot coverage existing and allowed on each proposed lot.
3. Provided that no nonconformities are created and that all LDA development requirements are addressed with any development activity on the site, this office does not oppose the subdivision.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 397-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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July 18, 2008

Jennifer Jackson
Queen Anne's County
Department of Land Use Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 07-07-08-0014, Libersky Subdivision
711 Double Creek Rd, Chestertown**

Dear Ms. Jackson:

Thank you for providing updated information and plans on the above referenced subdivision proposal. The applicant proposes to subdivide an existing lot partially located in the Resource Conservation Area (RCA) into three lots. This office has the following comment.

1. The applicant has contacted USFW requesting a response regarding species concerns and has stated that they will forward the response to this office as documentation upon receipt. Any additional requirements from USFW for this subdivision should be addressed by the applicant prior to final approval of the subdivision.
2. The long term Forest Protection Easement should be extended over the entire area of existing forest within the Critical Area.

Thank you for the opportunity to comment on this proposed subdivision. Please contact me if you have any questions at (410) 260-3479.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 520-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 18, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

**RE: Miles garage variance request
43705 Stephenson Drive**

Dear Ms. Chaillet:

Thank you for providing information for the above referenced variance request. The site is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area and is partially within the Critical Area Buffer including the Buffer extending from what appears to be an adjacent tributary stream or linear tidal wetland. There is an existing house and associated amenities on the site. The applicant is requesting a variance to build a garage and addition within the Buffer to accommodate a handicapped future resident of the house. The following comment applies to the proposal. The applicant has revised the plan so that the project represents reasonable expansion of existing development that has minimized impacts the extent possible. This office does not oppose the variance based on the site plan submitted.

Mitigation should be required at a ratio of 3:1 for the disturbance area that is within the Buffer. Recommended mitigation plantings consist of a mix of native species of trees, shrubs and ground cover on the site within the Buffer and should consist of one tree (two-inch-caliper) and three shrubs (two-gallon-pots) per 400 square foot mitigation area required.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner
cc: SM 399-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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July 18, 2008

Steve Cohoon
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, MD 21617

RE: Matapeake Club House / Public Bathing Beach

Dear Mr. Cohoon:

Thank you for submitting plans for the Matapeake Club House / Public Bathing Beach project. The site is a part of the Matapeake State Park property that is leased to the County; therefore, even though the County is sponsoring the project, the request for review is made through Department of Natural Resources. The project includes a proposed restroom, well house, pathway, bridge, shower tower, fountain, parking lot, road and handicap ramp. A conditional approval from the Critical Area Commission per COMAR 27.02.06 is necessary for this project due to impacts to the Buffer. I have reviewed the material submitted and have the following comments:

1. The proposed bathroom and well house site appears to be located where trees and vegetation would have to be removed. The proposed location is shown within a wetland which would also require expanded Buffer over that area. We recommend instead placing them in an area outside of the Buffer, or if there is no practical alternative, placing them in the Buffer where impacts are minimized, such as on the lawn area opposite the amphitheater.
2. Please submit a letter from DNR - Wildlife and Heritage Service regarding the project. Any additional requirements of DNR Wildlife and Heritage Service for habitat protection areas must be addressed.
3. Because the site is within the IDA, the 10% stormwater pollution reduction requirement must be met by the project for all new proposed improvement. Please submit a completed Worksheet A from the 10% Rule Guidance Manual.

4. There appear to be non-tidal wetlands on the site where development activity is proposed which may require permits. Also, erosion/sediment control and stormwater permits may be required from MDE for the project. Please contact MDE (Jim Tracey for E/S and stormwater: 410-537-3563 and Amanda Sigillito for nontidal wetlands: 410-537-3766) to determine what review is necessary. MDE wetland permits must be approved prior to presentation of the project to the Critical Area Commission.
5. The Buffer may be required to be expanded for nontidal wetlands contiguous to the 100 foot Buffer and steep slopes. Please address this requirement and show any necessary Buffer expansion.
6. A mitigation planting plan will be required for impacts to the 100-foot Buffer and any forest clearing. If total mitigation meets or exceeds 5,000 square feet, the Planting Plan must be completed and submitted prior to scheduling for the Commission.
7. As stated above, the site is a State property and review should be occurring through Department of Natural Resources (DNR). If DNR has any outstanding requirement or comments regarding the proposal, please document what they are and how they are being addressed. I believe Shawn Clotworthy, Eastern Region Program Administrator, is the contact at DNR for this review.
8. Please submit confirmation that coordination with Maryland Historical Trust has occurred for this project and there no outstanding concerns or issues.

Thank you for the opportunity to comment on this submittal. If you have any questions or concerns, please contact me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: DNR – Shawn Clotworthy
QC 412-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 21, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

**Re: Variance Request #06-1699; Lee
40467 Breton Beach Road**

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance request. The subject site is a 14,800 sf lot located within the Limited Developed Area (LDA) designation of the Chesapeake Bay Critical Area. A portion of the site is within the 100-foot Critical Area Buffer. The site is a grandfathered lot. There is approximately 7,200 sf of area available outside of the Buffer on this site. A house has recently been demolished and removed from the site, so that the site now appears to be clear of structures, except for a rip rap revetment at the shoreline.

The applicant has proposed to construct a new three-bedroom house, porch, deck, or walkway and stairway and a sanitary system mound in the Buffer on the site. Under the County Zoning Ordinance, only structures that are water dependent facilities may be located in the Buffer. The applicant has requested a variance because the proposal is in conflict with the County Zoning Ordinance which prohibits development activity and new impervious surfaces in the Buffer.

The house and structures that have been demolished do not represent a grandfathered right to place new development in the non-conforming location of former structures. There appears to be adequate space on the site to place a house and associated amenities identical in size to the proposed development completely outside of the Critical Area Buffer. The applicant will have reasonable use of the entire lot while meeting the Buffer regulations and no variance is required to do so. The variance to the 100-foot Buffer cannot be granted unless the applicant proves, and the Board of Appeals finds, that without the variance, the applicant would suffer an unwarranted hardship, that is "denial of reasonable and significant use of the entire parcel or lot." We do not believe that this standard is met, and accordingly the variance should be denied.



In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards. Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Board of Appeals must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

I have discussed each one of the County's variance standards below as it pertains to this site:

Relevant Variance Standards

24.4.1.a – That special conditions or circumstances exist that are peculiar to the land or structure involved and that strict enforcement of the Critical Area provisions of this Ordinance would result in an unwarranted hardship

There are no conditions that are peculiar to this property that would require the applicant to seek a Buffer variance since there is more than adequate area on this site to locate the new dwelling in a manner that would minimize impacts the Buffer by placing the new development outside of the Buffer. The applicant suffers no hardship from not being able to locate the new dwelling in the Buffer because the applicant is not prevented from building it in conformance with the Buffer regulations. The applicant can develop the site meeting the Buffer requirements and still enjoy reasonable use of the lot for residential purposes.

24.4.1.b – That strict interpretation of the Critical Area provisions of this Ordinance will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of St. Mary's County

A literal interpretation of St. Mary's County's regulation of new non-water dependant structures and impervious surface in the Buffer will not deprive the applicant of a right commonly enjoyed by other properties in similar areas because the development could be placed completely outside of the Buffer. This office does not support variances for development in which the applicant has the opportunity to minimize impacts, particularly when comparable size and type of development could be placed completely outside of the Buffer by locating it landward of the Buffer on the property.

24.4.1.c – The granting of a variance will not confer upon the applicant any special privilege that would be denied by the Critical Area provisions of this Ordinance to other lands or structures within the Critical Area.

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. This office would not support a similar variance request to allow a dwelling and amenities in the 100-foot Buffer where evidence has not been provided to show that it is necessary in order to

establish reasonable use. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that the requested variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

24.4.1.d – The variance request is not based upon conditions or circumstances that are the result of actions by the applicant

The applicant has proposed to build a new house and amenities on a lot where there is space to build the addition in conformance with the County regulation prohibiting such development in the Buffer. If the applicant were to develop outside of the Buffer, no variance would be necessary. The requested variance is directly based upon the applicant's action in requesting to develop in the Buffer when opportunity exists to locate the proposed development outside of the Critical Area Buffer.

24.4.1.e – The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will not be in harmony with the general spirit and intent of the Critical Area program
In contrast with the above standard, granting the requested variances is not in harmony with the general spirit and intent of the Critical Area law and regulations. The application can not meet the variance standards because the same or comparable development could be placed completely outside of the Buffer. The addition of a new structure and impervious surface proposed in the Buffer will prevent establishment of a vegetated Buffer in that area. A naturally vegetated Buffer provides numerous benefits to fish, wildlife, and plant habitat. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual and cumulative impacts of development on the Bay.

24.4.1.f – The variance is the minimum necessary to achieve a reasonable use of land or structures

The applicant can have full use of the property for residential purposes by constructing a single family home and associated amenities outside of the Buffer in conformance with the applicable regulations. Placing development in the Buffer at this site is unnecessary for the residential use of the property. Therefore, the requested variance is not the minimum adjustment necessary to afford relief from the regulations because the regulations do not prevent the applicant from achieving reasonable use of their property.

The County and State law provide that in order to grant a variance, the applicant must meet and satisfy each and every variance standard. This applicant has failed to meet all of the County standards. Because the applicant has failed to meet all of the County and State variance standards, this office recommends that the Board deny the applicant's request for this variance.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In

Letter to Yvonne Chaillet
July 21, 2008
Page 4 of 4

addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SM 424-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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July 21, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Variance File #07-3172 – Gladu Variance Request

Dear Ms. Chaillet:

Thank you for submitting the updated plan for the above referenced variance request. The applicant has revised the plan and now proposes to construct an addition in the 100-foot Buffer, to the side of the existing house approximately 55 feet from Mean High Water (MHW). Under the County Zoning Ordinance, only structures that are water dependent facilities may be located in the Buffer. The applicant is requesting a variance because the proposal does not comply with the County Ordinance. The site is developed with a house and associated amenities in the Buffer including detached accessory shed, gazebo, driveway and parking area. The application form states that the total impact to the 100-foot Buffer would be 1,252 square feet. Providing the lot is properly grandfathered, this office does not oppose a variance for reasonable expansion of the existing development on the site; however, in order to meet the standards and receive a variance it is recommended that the impacts be further minimized as explained below.

1. In light of the Buffer regulations and the adverse environmental impacts of placing structures within the Critical Area Buffer, the additions must be moved as far as practicable from the waterway and reduced in size to the extent practicable. It appears that there are options for further minimizing the impacts. For example, if possible the applicant should combine the lots at the site and construct the addition to the east of the existing house, moving it outside of the Buffer to a greater extent.
2. Mitigation in the form of Buffer plantings must be provided at a ratio of 3:1 for the area of disturbance in the Buffer. The applicant has proposed to remove the driveway between the house and the shoreline. This area should have soil remediation as necessary and must be planted with mitigation plantings. The Buffer area between the house and the water should not be lawn or grass.

3. Stormwater management practices should be incorporated into the new development plan in order to reduce the impact of the new structure in the Buffer.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SM 55-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 21, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 005-07-12-0004-C, 515 Black Beard Rd, Queenstown, Robert Calvert, Jr.

Dear Ms. Rhodes:

Thank you for providing updated information on the above referenced project. The applicant proposes to reconfigure two existing parcels located in the Resource Conservation Area (RCA).

1. Only one parcel currently has frontage on the Chester River. The proposal includes conversion of a non-waterfront tract into a developable waterfront lot. County Code § 14:1-22.D encourages reconfiguration of individual lots under single ownership to a permitted residential use only when doing so enables development to more closely comply with applicable Critical Area development standards. Reconfiguring the tracts to create the proposed lots conflicts with County Code § 14:1-22.D because the proposal does not enable development on the site to more closely comply with the County Critical Area Program. For example, it would create a new waterfront development lot and riparian access right which results in an increase in development impact to water quality, wildlife habitat, the Critical Area Buffer and other habitat protection areas. The County should not allow the reconfiguration as proposed.
2. In addition to the existing County language stated in comment #1 above, the 2008 Critical Area legislation contains the following requirements pertinent to the subdivision. In order for the County to approve an administrative subdivision to reconfigure grandfathered parcels or lots, the County needs to have done the following:
 - Document that the individual tracts of land shown on the proposed subdivision application are grandfathered under applicable provisions of the Critical Area law and Criteria, and the County Critical Area ordinance.

Ms. Jennifer Jackson
July 21, 2008
Page 2 of 2

- Amend the County Critical Area ordinance to include procedures required by Chapter 119 of the 2008 Laws of Maryland for the reconfiguration of lots or parcels to bring those lands into conformance to the extent possible.
- Submit the County procedures on the reconfiguration and consolidation of lots or parcels to the Critical Area Commission for approval as a formal amendment to the County local Critical Area Program

Thank you for the opportunity to comment. A revised subdivision plat should address the comments above. Please contact me if you have any questions. My phone number is (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 742-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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July 22, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 05-07-06-0002-C, Melvin
Tax Map 58-A, Parcel 122**

Dear Ms. Jackson:

Thank you for providing a revised plan and information on the above referenced subdivision proposal, and for the opportunity to comment. The subject site is a single lot currently developed with a dwelling and multiple accessory structures, located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The applicant proposes to divide the lot into two new lots.

The subdivision plat must contain information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements is filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize the County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;

- a) The approved development plan remains valid in accordance with the County's procedures and requirements; and
- b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

Ms. Jackson
July 22, 2008
Page 2 of 2

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by the County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

Please contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 345-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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July 24, 2008

Don Regenhardt, Chairman
Queenstown Planning Commission
PO Box 4
Queenstown, MD 21658

RE: Town of Queenstown – QRD and QCS Zoning Text Amendments

Dear Mr. Regenhardt:

I have received a draft of Ordinance 08-04 which includes proposed additions and amendments to be made to Ordinance number 06-05. These text amendments would alter the Ordinance language for two new zoning districts which affect the Queenstown Critical Area Program. The changes to 06-05 listed in the 08-04 should be made, with the addition of the following changes or additional information provided.

1. In QRD B.5 ensure that all of the terms referenced in this section are defined in the ordinance. Everything after the word "lodging" will have to be separated out and those requiring growth allocation should be listed under Section E. The Town should develop a hierarchy based on the number of rooms or some other similar system.
2. Please provide clarification to define the terms in QRD B.6. These uses require growth allocation if associated with commercial development or if the intensity of the use exceeds density limitations. Those requiring growth allocation should be added to the list in Section E.
3. Family Day Care serving more than eight individuals requires the use of growth allocation (QCS B.7).
4. Group Homes serving more than eight individuals and Assisted Living serving more than nine individuals requires the use of growth allocation (QCS B.10)
5. Number 6 for the QCS section of 08-04 refers to QRD. I believe it should refer to QS or QCS. Note that the map appears to show the zone as QCS.

6. For QCS Section E, please change "stables (B4)" to be the same as it appears in the QRD section E. Please also ensure that any items listed in QRD Section E that also appear in the QCS are listed in the QCS Section E.

Thank you for the opportunity to comment. If you have any questions please contact me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Amy Moore, Town of Queenstown
Anthony Gorski (204 Duke of Gloucester Street, Annapolis, MD 21401)

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

July 28, 2008

April Stehr
Maryland Department of the Environment
Water Management Administration
1800 Washington Blvd
Baltimore, MD 21230

**RE: 200860292, 08-WL-0951, Copsey property shore erosion control
41396 Riverview Road, Mechanicsville, St. Mary's County**

Dear Ms. Stehr,

The applicant has applied to construct 410 linear feet of shore erosion control with stone revetment 20 feet channelward of mean high water. The following comments apply to the proposal.

1. In order to comply with Critical Area requirements of the Code of Maryland Regulations (COMAR), all development related activity must be outside of the 100-foot Buffer, except for the minimum necessary for placement of approved shore erosion control measures at significantly eroding areas. Significantly eroding areas are shoreline areas where there is documented erosion of at least two feet or more per year [COMAR 27.01.01.01(63)]. In the case of this project, disturbance in the Critical Area Buffer (including soil disturbance or tree/vegetation removal) may be permitted only where necessary to provide access to install or construct the project as approved by all required local, State and federal permits.
2. The applicant must provide documentation of the area of any project related development disturbance in the Critical Area Buffer and how many trees and large shrubs will be damaged or removed, if any. The proposed disturbance to the Buffer must meet COMAR requirements for minimizing impact and include mitigation.
3. The mitigation for projects approved as explained above is based on the area disturbed and number of trees removed, and must be provided at a ratio of 1:1.

4. The mitigation requirement must be met with plantings that are native species and are appropriate for the location. The mitigation trees must be two-inch caliper, and shrubs must be two-gallon pots. The mitigation must be placed in the Critical Area Buffer on the site.
5. Any other construction activities above mean high water that may be proposed at the time of shoreline erosion control must be reviewed and approved by Saint Mary's County.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: *Saint Mary's*
County, Permitting office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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July 28, 2008

Reggie Graves
Maryland Department of the Environment
Water Management Administration
1800 Washington Blvd
Baltimore, MD 21230

**RE: 200861119, 08-WL-1135, Grollman property shore erosion control
225 Grollman Rd, Stevensville, Queen Anne's County**

Dear Mr. Graves,

The applicant has applied to construct 850 linear feet of shore erosion control with stone armor 10 feet channelward of a deteriorated bulkhead. The following comments apply to the proposal.

1. In order to comply with Critical Area requirements of the Code of Maryland Regulations (COMAR), all development related activity must be outside of the 100-foot Buffer, except for the minimum necessary for placement of approved shore erosion control measures at significantly eroding areas. Significantly eroding areas are shoreline areas where there is documented erosion of at least two feet or more per year [COMAR 27.01.01.01(63)]. In the case of this project, disturbance in the Critical Area Buffer (including soil disturbance or tree/vegetation removal) may be permitted only where necessary to provide access to install or construct the project as approved by all required local, State and federal permits.
2. The applicant must provide documentation of the area of any project related development disturbance in the Critical Area Buffer and how many trees and large shrubs will be damaged or removed, if any. The proposed disturbance to the Buffer must meet COMAR requirements for minimizing impact and include mitigation plantings as explained above.
3. The mitigation for projects approved as explained above is based on the area disturbed and number of trees removed, and must be provided at a ratio of 1:1.

4. The mitigation requirement must be met with plantings that are native species and are appropriate for the location. The mitigation trees must be two-inch caliper, and shrubs must be two-gallon pots. The mitigation must be placed in the Critical Area Buffer on the site.
5. Any other construction activities above mean high water that may be proposed at the time of shoreline erosion control must be reviewed and approved by Queen Anne's County.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Queen Anne's County, Permitting office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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July 28, 2008

April Stehr
Maryland Department of the Environment
Water Management Administration
1800 Washington Blvd
Baltimore, MD 21230

**RE: 200860292, 08-WL-0951, Piekarski property shore erosion control
210 Thomas Rd, Centreville, Queen Anne's County**

Dear Ms. Stehr,

The applicant has applied to construct 400 linear feet of shore erosion control with concrete beach prisms 20 feet channelward of mean high water. The following comments apply to the proposal.

1. In order to comply with Critical Area requirements of the Code of Maryland Regulations (COMAR), all development related activity must be outside of the 100-foot Buffer, except for the minimum necessary for placement of approved shore erosion control measures at significantly eroding areas. Significantly eroding areas are shoreline areas where there is documented erosion of at least two feet or more per year [COMAR 27.01.01.01(63)]. In the case of this project, disturbance in the Critical Area Buffer (including soil disturbance or tree/vegetation removal) may be permitted only where necessary to provide access to install or construct the project as approved by all required local, State and federal permits.
2. The applicant must provide documentation of the area of any project related development disturbance in the Critical Area Buffer and how many trees and large shrubs will be damaged or removed, if any. The proposed disturbance to the Buffer must meet COMAR requirements for minimizing impact and include mitigation.
3. The mitigation for projects approved as explained above is based on the area disturbed and number of trees removed, and must be provided at a ratio of 1:1.

4. The mitigation requirement must be met with plantings that are native species and are appropriate for the location. The mitigation trees must be two-inch caliper, and shrubs must be two-gallon pots. The mitigation must be placed in the Critical Area Buffer on the site.
5. Any other construction activities above mean high water that may be proposed at the time of shoreline erosion control must be reviewed and approved by Queen Anne's County.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Queen Anne's County, Permitting office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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July 31, 2008

Steve Hurt
MDE -Tidal Wetlands Division
Montgomery Park Business Center
1800 Washington Boulevard
Baltimore, Maryland 21230

RE: 2007665369/07-NT-2208, SHA MD 404 Roadway Improvements

Dear Mr. Hurt,

Portions of the project near the Tuckahoe Creek are within the Critical Area. The Critical Area Commission office has been coordinating with SHA to provide comments on the proposal. Please find the latest comment letter from this office attached.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to be "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

Attachment: Letter from Marshall Johnson to Gary Green, SHA dated May 15, 2008

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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July 31, 2008

Dawn McLeary
Maryland Transit Administration
6 St. Paul St.
Baltimore, MD 21202-1614

Re: MTA Bridge 32.03 at Tuckahoe Creek

Dear Ms. McCleary:

I have reviewed the above-referenced project to repair Bridge No. 32.03 over Tuckahoe Creek at Tuckahoe State Park. Based on the application materials submitted, it was our understanding that no site grading, clearing, tree removal or new impervious area were proposed within the 100 foot Buffer and that minor clearing of brush from the stone ballast railroad bed was proposed within the Critical Area but outside of the Buffer. However, upon visiting the site this week with representatives from MTA, the project has already been completed and there has been both clearing and impervious gravel placed within the Critical Area Buffer. The proposed work requires Commission review under COMAR 27.02.05 (State Agency Actions Resulting in Development on State-Owned Lands) and COMAR 27.02.06 (Conditional Approval of State and Local Agency Programs in the Critical Area). Please see the attached checklist for required materials that must be submitted prior to scheduling the project for consideration by the Commission as well as timelines relating to the submission of the materials. The following comments apply to the project.

1. It has been indicated that the rail bed was existing impervious due to underlying compacted material. The site is considered intensely developed and the 10% stormwater pollutant reduction requirement must be met by the project. Please submit 10% calculations in the form of a completed Worksheet A from the 10% Manual. This information should include an analysis of the width of existing impervious surface from the old rail bed compared to the area now covered in gravel for this project. The MTA owned right of way should be utilized as the site area.
2. The development disturbance area in the Buffer requires mitigation. In addition the vegetation clearing that occurred outside of the Buffer for the project requires mitigation. Please indicate the limit of disturbance area for the project and document the area of vegetation cleared within and outside of the Buffer, so that the required mitigation may

be determined. A planting plan detailing the location, species and stock size for the required mitigation will be required.

3. The April 1, 2008 (as well as the 2004) letter forwarded from Wildlife and Heritage Services at DNR asked that you consult Mary Ratnaswamy with the USFWS regarding Federal review and/or approval for Delmarva fox squirrel habitat impacts because the project is within range of this endangered species. Please submit a current letter from USFWS to document that appropriate review has occurred.

Please contact me at (410) 260-3479 if you have any questions regarding those comments. As noted, the items listed on the attached checklist must be provided and must be complete before Commission staff can schedule this project on an agenda before the full commission.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: 47-07 DOT
Meg Andrews, DOT
Kelly Lyles - KCI Technologies Inc

Attached: Checklist

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
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July 31, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

**RE: Board of Education for Queen Anne's County
Queen Anne's County Alternate School, Centreville**

Dear Mr. Hall:

Thank you for providing information on the above referenced proposal to construct addition of modular classroom units beside existing units. The lot is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The applicant proposes to redevelop the site with additions to an existing school. I have provided Commission Staff comments below.

1. Please submit a Consistency Report form (attached) for this project.
2. Please submit information addressing County Code § 14:1-38.D(6) for this project, including that when forest on the site totals less than 15% of the site area, additional forested areas shall be established so that at least 15% of the site area is in forest cover. The location of the afforested area shall be designed to protect habitats or to provide continuity with forested areas on adjacent sites.
3. The aerial photo shows trees at the area of the proposed development. Please confirm whether any tree removal is proposed in the LDA area of the site and address specifically County Code § 14:1-38.D(6)(d) regarding any tree removal.

4. In addition to completing the Consistency Report, a planting agreement will be required for a required planting or mitigation. This form will be forwarded to your office at the time of the Consistency determination.

Thank you for the opportunity to provide comments on this proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 457-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 1, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 04-08-07-0010-C, Miller Subdivision
Tax Map 70, Parcels 24, Lots 10, 12, 14, 16, 18**

Dear Mr. Hall:

Thank you for providing information on the above referenced proposal. The applicant proposes to combine five lots into a single lot. The new lot will be approximately 25,000 square feet in size and is developed with an existing single family dwelling. The area is designated Limited Development Area (LDA). Based on the information provided, it appears that the new lot will be in greater conformance with the LDA development requirements and the goals of the Critical Area law. The new plat should include the lot coverage limit.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 443-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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August 4, 2008

Mr. Bob McGrory
Town of Centreville
101 Lawyer's Row
Centreville, MD 21617

Re: Town of Centreville, Chester Avenue renovations and stormwater pond/wetland

Dear Mr. McGrory:

This office has received updated plans for a Chester Avenue Road renovation and associated stormwater pond/wetland at the Corsica River in the Town of Centreville. The site is within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area, and is designated as a Buffer Exempt Area (BEA). The project is not consistent with the Town Critical Area Program, and therefore requires review by the Critical Area Commission under the provisions for Conditional Approval (COMAR 27.02.06). Critical Area Commission staff previously provided comments on the sketch plan for renovation of the Warf Pocket Parks project, which included the proposed stormwater pond/wetland. I would like to offer the comments below are now provided regarding how to proceed with Commission review process for the above referenced proposal.

1. I have enclosed a checklist of required materials that must be submitted for Critical Area Commission review. Please contact me if you have any questions about the checklist.
2. The site is within the Centreville Buffer Exempt Area (BEA), which requires that development activities minimize impacts in the Buffer, or demonstrate that there is no feasible alternative given the guidelines under Section 1-124(d)(1). A request for conditional approval from the Commission must include a narrative addressing the conditional approval criteria under Code of Maryland Regulations section 27.02.06.01 (attached).
3. Please submit a mitigation planting plan for the Buffer impacts. The mitigation requirement is 2:1 for the disturbance area of the stormwater wetland/pond within the 100 foot Buffer. Calculate the number of plants based on the required mitigation area, using the attached mitigation guidance sheet. Please state the plant numbers by species, spacing and stock size/type. Only native plants should be used. Show the proposed planting locations. In order to receive 400 square feet of mitigation credit, the plantings

Letter to Bob McGrory
August 4, 2008
Page 2 of 2

must be clustered as one tree and three shrubs per 400 square foot area, using an irregular pattern to provide structural variety amenable to wildlife habitat. The plantings must be located within the Buffer on site to the extent possible.

4. Our records indicate that this site may be within proximity of a Sensitive Species Project Review Area. Please contact the Wildlife and Heritage Service of DNR at (410)260-8573 to determine whether this site requires additional conservation measures and submit a copy of a letter regarding the status of this site as a Sensitive Species Project Review Area.
5. Please submit confirmation that coordination with Maryland Historical Trust has occurred for this project and there no outstanding concerns or issues.
6. Thank you for submitting a copy of MDE general tidal wetland authorization for the project. Please also confirm the status of MDE or local authority review of erosion and sediment control approval for the project.

Thank you for the opportunity to comment. Please contact me at (410) 260-3460 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Gerald Hayes, URS
CV 137-07

Enclosed: Critical Area Commission review checklist
Conditional Approval Criteria
Mitigation guidance

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 6, 2008

Vivian Swinson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

**RE: 08-04-04 Moldenhauer Variance
Tax Map 77, Parcel 4**

Dear Ms. Swinson:

Thank you for providing information on the above referenced variance request. The site is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area, partially within the Critical Area 100-foot Buffer. This site is currently developed with a house and associated amenities. The applicant is requesting a variance to construct a new deck and additions to the house within the Critical Area Buffer.

Provided that the subject lot is properly grandfathered, Critical Area Commission staff does not oppose the variance. However, to the extent possible, impacts to habitat and water quality should be reduced by minimizing development activity in the Buffer, establishing the Buffer in native vegetation and mitigating for any unavoidable damage. This office recommends minimizing the size of the addition to the house and the deck, and allowing the deck to remain pervious to the extent possible.

The relevant proposed disturbance area is where any development activity will occur for this project within the Critical Area Buffer, which in this case includes the structures shown on the property, plus any stockpiling, staging, machine maneuvering or ground disturbance associated with construction on the site. Installation of a silt fence also constitutes development disturbance; therefore, the disturbance area will likely be the area within and including the silt fence that should be installed for sediment and erosion control. Because Queen Anne's County Code § 14:1-51 prohibits new development activity in the Critical Area 100-foot Buffer, a variance must be sought for this project. The Critical Area Commission staff has the following comments regarding the development proposal.

1. Mitigation should be required at a ratio of 3:1 for the disturbance area that is within the 100-foot Buffer. Mitigation plantings should be a mix of native species of trees, shrubs and ground

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cover on the site within the Buffer and should consist of one tree (two-inch-caliper) and three shrubs (two-gallon-pots) per 400 square foot mitigation area required.

2. The 100-foot Buffer line must be shown accurately on the site plan. The 100-foot Critical Area Buffer line must be drawn 100 feet landward from the mean high water or the extent of tidal wetlands, whichever is farther landward.
3. The Critical Area Buffer should be established in natural vegetation. For this variance, the mitigation plantings must be located in the Buffer on site. Please have the applicant submit a Buffer Management Plan for approval prior to site plan approval that provides the following:
 - Show the correct location of the 100-foot Buffer (see comment above)
 - Show proposed limits of disturbance for development activity (see above) and calculate the area of proposed Buffer disturbance
 - Calculate the number of plants required based on the Buffer area, using one tree (two-inch-caliper) and three shrubs (two-gallon-pots) per 400 square feet of Buffer on the site
 - State the plant numbers by species, spacing and stock size/type
 - Only native plants should be used
 - Show the proposed planting locations. In order to receive credit of 400 sq ft, the Buffer plantings are in clusters of one tree and three shrubs, using an irregular pattern to provide structural variety amenable to wildlife habitat.

The Buffer establishment can be counted as part of the mitigation plantings described in the comment #1 above. The 15% afforestation requirement can also be met by the Buffer establishment plantings. Prior to final approval, the County should require that the applicant provide assurance for installing the Buffer plantings and appropriate monitoring and maintenance to ensure successful establishment.

4. We recommend that the proposal should minimize impacts by including stormwater management design elements which increase benefits to water quality from the stormwater leaving the site to the extent practicable. These may include pervious paving, pervious deck construction, and other low impact development methods which are acceptable to the County.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 421-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 8, 2008

Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

**RE: Roundtop Landing Non-profit Educational Facility
Pear Tree Point Rd, Queen Anne's County**

Dear Ms. Jackson:

Thank you for providing information on the above referenced proposal to construct a new educational facility and associated features. The site is an undeveloped agricultural property owned by the County. It is located adjacent to the Chester River and is partially within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The County proposes to develop the site with an educational building, restroom building, driveway, parking lot, overflow parking area, pier, and public access paths. I have provided Commission Staff comments below.

1. Please submit a Consistency Report form (attached) for this project. Additional information is required to determine whether the project is consistent with the County Critical Area program. If the project is not consistent with the County program, review by the Critical Area Commission will be required. To assist with this determination, please provide the information required below.
2. If wetlands are present on the site, that information must be incorporated into the site plan. If there are wetland impacts, please submit documentation of coordination with Maryland Department of the Environment (MDE) Wetlands and Waterways division. The 100 foot Buffer location is also affected by wetlands. If wetlands are present, wetland delineation is required to accurately locate the Buffer under County Code § 14:1-52.
3. The plans show trees at the area of the proposed building. Please confirm whether any tree removal is proposed and submit information addressing County Code § 14:1-38.D(6) for this project (applicable via § 14:1-39.E).

4. Please submit information regarding the proposed overflow parking area. If this is to be used regularly for car parking, and is to remain as dirt/grass it will have to be considered as a new compacted dirt parking lot and must be counted as part of the development proposal and lot coverage.
5. Please document how the proposed project, including the public access path and what appears to be a deck or similar structure on the plan, meets County Code § 14:1-46.B. This section of the Code requires the following: service facilities are, to the extent possible, located outside the Buffer; permeable surfaces are used to the extent practicable, if no degradation to groundwater would result; disturbance to natural vegetation is minimized; and areas for passive recreation, such as nature study and hunting and trapping, and for education may be permitted in the Buffer in RCA development areas if service facilities are located outside the Buffer. If there are any elements of the plan that are being considered "service facilities" under this Code section, please define that term.
6. Please address how this project meets the requirements in the County Code for the 300 foot shore buffer of County Code § 18:1-67.C regarding the requirement that any reduction of the standard [300 foot] shore buffer shall be the minimum necessary to allow practical development of the site.
7. In addition to completing the Consistency Report, a planting agreement will be required for a required planting or mitigation. This form will be forwarded to you office at the time of the Consistency determination.
8. Please submit a letter from the DNR Wildlife and Heritage Service regarding the project. Any additional requirements of DNR Wildlife and Heritage Service for habitat protection areas must be addressed.
9. If any State funding is used for this project, a letter from the Maryland Heritage Trust must be submitted documenting that the project meets any requirements of that agency.

Thank you for the opportunity to provide comments on this proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 403-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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August 11, 2008

Ms. Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, MD 21617

**Re: Bay East Development Corporation
#CP #04-05-07-0005-C**

Dear Ms. Tompkins:

Thank you for forwarding revised plans and information on the above referenced concept plan. The applicant proposes to create a multiuse development on a 7.934 acre site that is located in the Intensely Developed Area and in a Buffer Exemption Area. Comments are provided below on the revised plans.

1. As we discussed in meetings with the applicant, in order to comply with Queen Anne's County Code section 14:1-53, a 50 foot setback from the landward edge of the proposed public walkway should be provided to the maximum extent possible. If the structures along the eastern side of the development can not be moved further back from the shoreline for this purpose, then the plantings in the Buffer should be increased elsewhere to compensate for the loss. The revised plans include a planting plan for Buffer/setback. Queen Anne's County Code section 14:1-53.E (1) requires that the extent of the lot or parcel shoreward of the development be established in natural vegetation on this site. There appear to be blank areas on the plan along the eastern side of the development where a setback achieving or approaching 50 feet could be provided with Buffer plantings. Because no grass/lawn will be allowed in the 100 foot Buffer, and because the public walkway encroaches on the setback at those locations, the setback should be shown as close to 50 feet in width as the proposed buildings will allow, and Buffer plantings should be located in these areas.
2. The 10% worksheet A submitted states that the 10% requirement will be met using sand filters and ponds. Please submit a plan showing conceptually where the sand filters and

Letter to Holly Tompkins
August 11, 2008
Page 2 of 2

ponds will be located so that we can confirm that they can be sized and designed to function and will fit on the site.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: QC 471-05

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 15, 2008

Mr. Bob McGrory
Town of Centreville
101 Lawyer's Row
Centreville, MD 21617

RE: Route 213 Stormwater Retrofit for Gravel Run South

Dear Mr. McGrory:

Thank you for submitting the planting agreement and plan for this project. I have reviewed the plan and confirmed that it meets the requirements for the mitigation. This office has no further comments or concerns with implementation of the project. If you have any questions, please feel free to contact me at 410-260-3479.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: Bryan A. Pariseault (URS Corporation, 1200 Philadelphia Pike, Wilmington, DE 19809)

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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August 19, 2008

Justin Berezna
MDE - Water Management Administration
1800 Washington Blvd
Baltimore, MD 21230

**RE: # 200862625/08-WL-1535 - Kent Island Marina Redevelopment and Expansion
Shulz Development LLC**

Dear Mr. Berezna:

Thank you for providing information on the above referenced application. The applicant has proposed a redevelopment project to improve and expand an existing commercial marina. The site is within the Intensely Developed Area (IDA) and Buffer Exempt Area. The proposal involves a bulkhead, stone revetment, parallel walkway or boardwalk in the Critical Area. A permit is required through the County for this work, as Critical Area program requirements must be addressed, including the Critical Area 10% stormwater pollutant reduction requirement and Buffer Exempt Area standards. The proposal may be required to address additional criteria of COMAR and the County Critical Area Program. New development activities, including stormwater management facilities and parallel walkways, are not allowed in the Critical Area 100 foot Buffer.

If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

CC: Steve Cohoon, Queen Anne's County

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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August 19, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: 08-0939, Deep House Variance

Dear Ms. Chaillet:

Thank you for providing information on the above-referenced variance application. The 10,000 square foot lot is designated as a Limited Developed Area (LDA) and is partially within the Critical Area Buffer. Approximately 3,200 square feet of the lot is forested. There is a pier, wood walkway/stair and a drive, but otherwise the lot is undeveloped. The applicant is proposing to build a house, SRA, driveway, and associated facilities on the site. The applicant is requesting a variance to build the house, porch/deck, concrete pad and well within the Buffer. The applicant is also requesting a variance to allow clearing of 62.5 percent of the existing forest on the site, whereas only 30% is allowed under County Critical Area regulations.

Providing the lot is properly grandfathered, this office does not oppose the variances; however, we recommend that the project minimize impacts to water quality and habitat by placing the structures as close to the road as practicable, minimizing driveway length and width, removing or reducing the size of the concrete pad, and reducing the limits of disturbance to minimize new development in the 100 foot Buffer. The new development should include stormwater management design elements which increase benefits to water quality from the stormwater leaving the site. The mitigation plantings should be in the 100 foot Buffer between the house and the shoreline to the maximum extent possible.

Letter to Yvonne Chaillet
August 19, 2008
Page 2 of 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SM 466-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 19, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: File # 05-06-11-0009-C; Waterman Realty Subdivision

Dear Ms. Jackson:

Thank you for providing resubmitted plans and information for the above referenced proposal. The site is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area. The applicant is now proposing to subdivide the site into four lots for residential development. The Critical Area Commission staff has the following comments.

1. Stormwater requirements for the IDA must be addressed prior to subdivision approval. County Code § 14:1-32 requires that stormwater management facilities must be shown on the site plan.
2. The revised stormwater management plan Worksheet A for the 10% Rule claims organic filters as a BMP treating 100% of the site at 50% efficiency, and also claims them for the disconnect credit. Organic filters should include all of the essential features depicted on the example in Figure 3.15 of the 2000 Stormwater Design Manual. The organic filters can not be used for both BMP credit and disconnect credit. In addition, Step 5 of Worksheet A, claims that the organic filters are treating 100% of the 1.26 acre site, which does not appear to be correct. For the disconnections to be accepted, the plan must show that it meets all of the restrictions of the MDE Stormwater Design Manual. Please revise the stormwater management plan and 10% Rule Worksheet A calculations accordingly.

Jennifer Jackson
August 19, 2008
Page 2 of 2

3. The 100-foot Buffer must be delineated in the field as mean high water or the edge of tidal wetlands may have changed since the 1972 wetland map. Please have the applicant delineate the Buffer appropriately.

Thank you for the opportunity to provide comments on this proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 758-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 19, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: CP 05-08-07-0012, Fisherman's Village Concept Site Plan

Dear Ms. Tompkins:

Thank you for providing plans for the above referenced project. The site is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area and is within a Buffer Exempt Area (BEA). The plans indicate that the applicant proposes to redevelop the site with new mixed use commercial buildings and associated parking and facilities. The application narrative states that the project will be phased. The following comments apply to the information on the submitted plan, which appears to include more than proposed development activity for Phase I at the site.

1. The plan includes existing and proposed impervious surface areas for the complete project. The narrative with the current application states that sand filters and bioretention will be used. Please have the applicant provide 10% stormwater pollution reduction calculations and a concept plan for the type, location and estimated sizing of BMPs to confirm that the plans for the site can accommodate them.
2. This project must meet all applicable requirements under County Code § 14:1-53 (Specific provisions for Buffer exempted areas). For any structures proposed in the 50 foot setback that are new, a variance may be required per § 14:1-53, which this office would not support unless the applicant can demonstrate that the project meets all applicable variance standards. Please have the applicant address § 14:1-53.

Holly Tompkins
August 19, 2008
Page 2 of 2

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 455-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 19, 2008

Mr. Francis Breeding
Town of Queen Anne
PO Box 365
Queen Anne, MD 21657

RE: Malinowski Shed Building Permit

Dear Mr. Breeding:

Thank you for providing information on the above referenced building permit application. The subject property is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area. This site is currently developed with a house and associated amenities. The applicant proposes to construct a new 400 square foot shed.

Because the site is designated as IDA, the applicant must comply with the 10% pollutant reduction rule. For residential projects of less than 500 square feet, this typically occurs by planting. I have attached a 10% Rule Guidance document for your use in reviewing development activity within the Town's Critical Area IDA. In this case I recommend that the applicant meet the requirement by planting one tree per 100 square feet of new impervious surface, which would be four trees. The trees should be planted on the property.

Thank you for the opportunity to provide comments on this variance request. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QA 471-08

GUIDANCE
10% RULE
RESIDENTIAL SINGLE LOT - SINGLE FAMILY
DEVELOPMENT AND REDEVELOPMENT GUIDELINES

Disturbances Less Than 250 Square Feet:

Although the project is exempt from the 10% Rule requirements, it is recommended that the applicant plant trees and/or shrubs insofar as possible. Staff should utilize discretion based upon the specific site and the type of project proposed. Offsets or fees-in-lieu are not recommended for exempted projects.

Disturbances Greater than or Equal to 250 Square Feet:

The following guidelines are listed in order of preference:

1. In accordance with the *Applicant's Guide for 10% Rule Compliance*, the standard application process and calculation worksheet are not required. The staff will assist the applicant in selecting a residential Best Management Practice (BMP) most appropriately suited for the site. The applicant should provide a narrative, which describes the water quality benefits of the BMP selected. (See pages 28 thru 38 of the Applicant's Guide)
2. If staff and applicant determine that site constraints (i.e., topography, existing site development, soils, etc.) prevent the utilization of recommended residential BMPs, staff will recommend that the applicant implement tree and/or shrub plantings using native species. It is recommended that nursery grown containerized or balled and burlap stock be used. Trees should be at least four feet in height and shrubs should be at least three gallons in size. Plantings should be accomplished at the following ratios:
 - A. Buffer and Buffer Exemption Areas: A minimum of three trees or nine shrubs per every 100 square feet (or portion thereof) of new impervious surface created. A combination planting of trees and shrubs is also acceptable. Please note that this formula satisfies both the 10% Rule and Buffer mitigation requirements.
 - B. Non-Buffer Areas: A minimum of one tree or three shrubs per every 100 square feet (or portion thereof) of new impervious surface created. A combination planting of trees and shrubs is also acceptable.

The applicant should be required to employ bonding to guarantee the survivability of the planting.

3. If staff and applicant determine that residential BMPs, as well as plantings, are not suitable for the site, the applicant may utilize fees-in-lieu or offsets. All fees should be deposited in an account designated for projects addressing stormwater quality issues.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 20, 2008

Ms. Brandy Glenn
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: 08-110-037 - Cherry Grove Subdivision Inter-family Transfer

Dear Ms. Glenn:

Thank you for submitting the above referenced site plan for review and comment. The subject lot is 18.58 acres with 14.23 acres located within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The applicant is proposing to divide the existing lot into two lots. Based on the above information, I have the following comments:

1. The Critical Area portion of the site may be subdivided into three lots for the purposes of intra-family transfer per section 41.6.4.a of the Comprehensive Zoning Ordinance. Assuming the inter-family transfer provisions are met, the property is limited to three dwellings. It appears that there is one existing dwelling on the site. A note should be added to the plat stating that the site is limited to a total of three dwellings as required by section 41.6.4.a(2)(c).
2. A note should be added to the plat indicating who will be taking possession of the new lot and the relation of that party to the current property owner.
3. The application form submitted indicates that the current proposal is for a subdivision. However, the site plan includes notes pertaining to development of the lots including 21,780 sq ft of forest clearing and soil disturbance and 10,890 sq ft of impervious surface. Please clarify whether this application is for subdivision only, or if there are development plans. If there are site development plans, they should be submitted showing the location of proposed development and compliance with applicable Critical Area regulations, in which case there will be additional comments from this office.

Letter to Ms. Glenn
August 20, 2008
Page 2 of 2

4. Based on revisions to the Critical Area law in 2008, the 15% impervious surface limit is now a lot coverage limit. The applicant should revise the site plan accordingly.

Thank you for the opportunity to provide comments. If you have any question, please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SM 410-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 20, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

**RE: Miles garage variance request – Plan Revision
43705 Stephenson Drive**

Dear Ms. Chaillet:

Thank you for providing the revised plan for the above referenced variance request. The site is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area and is partially within the Critical Area Buffer including the Buffer extending from what appears to be an adjacent tributary stream or linear tidal wetland. There is an existing house and associated amenities on the site. The applicant is requesting a variance to build a garage and addition within the Buffer to accommodate a handicapped future resident of the house. A revised plan has been submitted showing additional new driveway and parking/maneuvering area, relocation of the shed outside of the Buffer and placement of a three foot by 75-foot stepping stone paver path in the Buffer to accommodate wheelchair access from the house to the pier. The applicant has proposed to remove the existing gravel loop driveway. The County has confirmed that lot coverage limits are still met by the proposal. It appears that the plan represents reasonable expansion of existing development that has minimized impacts the extent possible. This office does not oppose the variance based on the site plan submitted. The following comment applies to the proposal.

Mitigation should be required at a ratio of 3:1 for the disturbance area that is within the Buffer. Recommended mitigation plantings consist of a mix of native species of trees, shrubs and ground cover on the site within the Buffer and should consist of one tree (two-inch-caliper) and three shrubs (two-gallon-pots) per 400 square foot mitigation area required.

Letter to Yvonne Chaillet
August 20, 2008
Page 2 of 2

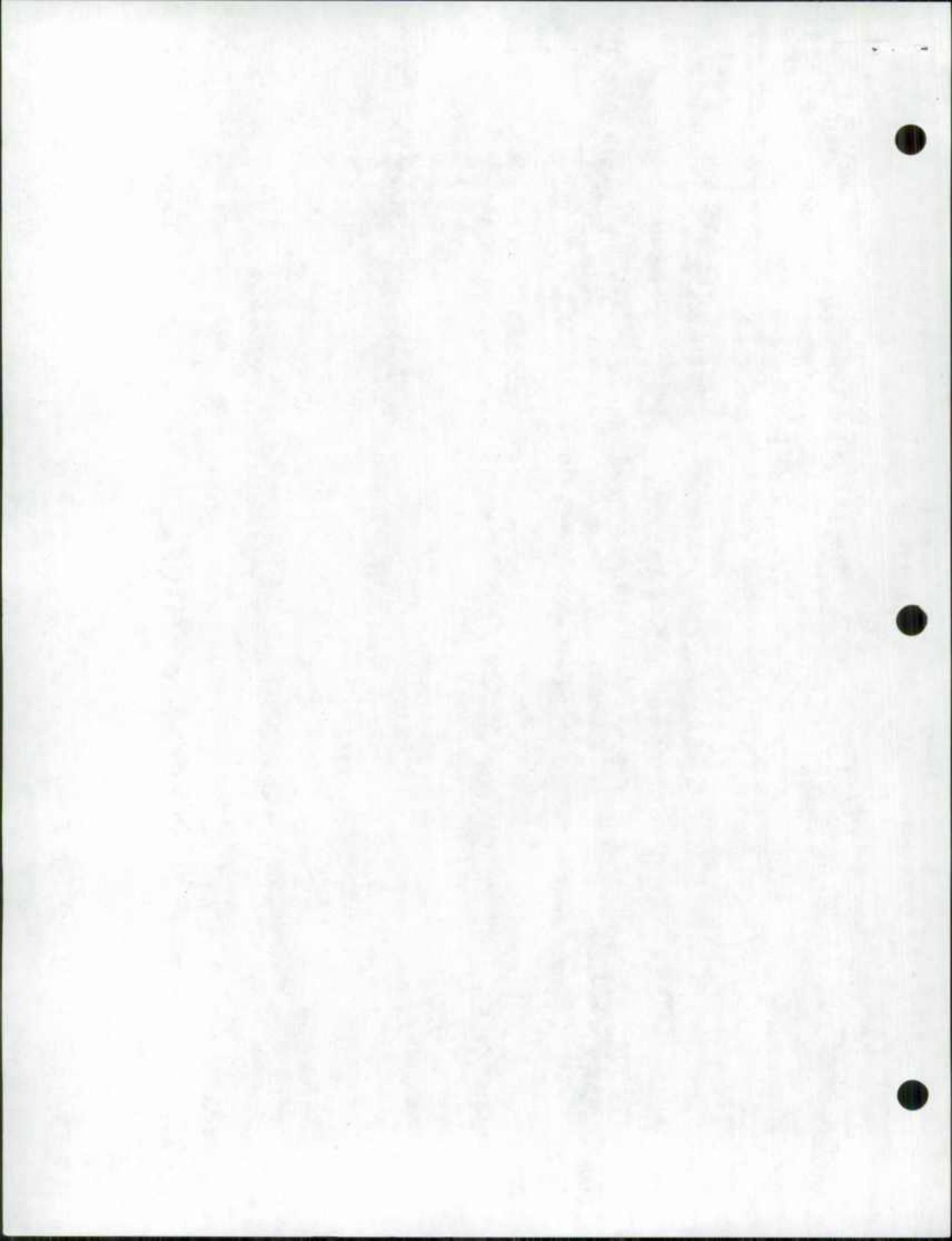
Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: SM 399-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 27, 2008

Ms. Jackie Naylor
Planning & Codes Administration
Caroline County
403 S. 7th Street, Suite 210
Denton, MD 21629-1335

**Re: Tree cutting at Hidden Woods Road, Caroline County
Map 18, Parcel 225, Lot 1 – lands of Robert M. Thomas**

Dear Ms. Naylor:

Thank you for your letter dated April 8, 2008 informing me that 13 trees were cut on the above referenced property by the land owner within the Critical Area Resource Conservation Area (RCA). Your letter also states that the owner plans to develop the property with a house. It appears from the photographs attached to your letter that there is a shed or similar building on the site at this time. The photographs show trees that were cut to create a clearing on this forested property, which is partially within the RCA of the Chesapeake Bay Critical Area. A stop work order was issued to the property owner by the County on March 31, 2008 for "unauthorized clearing/removal of trees within the Chesapeake Bay Critical Area." As I informed you via email, permits are required before forest or developed woodland is cleared. Typically, forests which have been cleared before obtaining a permit must be replanted at three times the aerial extent of the cleared forest. However, I have since researched the site further and determined that it is Forest Interior Dwelling Species (FIDS) habitat for which mitigation must be provided according to the FIDS guidance manual. Please have the property owner submit a survey of the site showing the area cleared, a completed FIDS Conservation Worksheet (Appendix D of the June 2000 A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area) and a proposed mitigation plan for review.

Please review the information regarding enforcement requirements in the letter from Commission Chair, Margaret McHale, to your office dated August 8, 2008, which contains pertinent information for this case based on the 2008 Critical Area legislation. Some of these provisions include the following. A local authority that identifies a

violation of the Critical Area law or of the local program must take enforcement action. A development activity commenced without a required permit, approval, variance, or special exception is a violation of the Critical Area law. Given the facts and circumstances of each violation, the local authority shall require payment of an appropriate penalty and site restoration and mitigation as necessary to offset adverse impacts to the Critical Area resulting from the violation. A permit, approval, variance, or special exception for a property may not be issued until all conditions have been fully satisfied for the affected property, including full payment of penalties, full performance of all site restoration requirements, and full performance of all mitigation requirements. For restoration or mitigation that exceeds 1,000 square feet or involves expenses exceeding \$1,000, the local authority shall collect a bond or other financial security or adopt appropriate procedures to ensure that the restoration or mitigation is properly completed (see further details on bonding in the above referenced letter).

Thank you for the opportunity to review this situation. If you have any comments or questions please contact me directly at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Plan

cc: Tammy Buckle, Caroline County Planning/Codes Administration Director

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 27, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: MISP# 04-08-01-0007-C, Maryland General Land, LLC
Shamrock Rd, Chester

Dear Ms. Tompkins:

Thank you for providing revised plans for the above referenced project site plan. The lot is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area. The applicant proposes to redevelop the site with a new commercial development. The applicant has confirmed that the 10% stormwater pollution reduction requirement and the planting requirements are met for this project. This office has no further comments.

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 98-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 27, 2008

Dave MacGlashan
Queen Anne's County
Parks & Recreation
1945 4-H Park Road
Centreville, MD 21617

RE: Ferry Point Park Concept Plan, Queen Ann's County

Dear Mr. MacGlashan:

Thank you for submitting the Consistency Report and Concept Plan for the Ferry Point Park project. This is a County project on County property within the Chesapeake Bay Critical Area. Portions of the site are designated Resource Conservation Area (RCA), Limited Development Area (LDA) and Intensely Developed Area (IDA). Review of the project by the Critical Area Commission is required under Code of Maryland Regulations (COMAR) 27.02.02 (State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions). The applicable criteria for this project state that development of local significance on private land or lands owned by local jurisdictions, which is caused by State or local agency actions, shall be consistent with the provisions and requirements of the Critical Area program of the local jurisdiction within which the development is proposed. Therefore, County Critical Area Program standards apply as further explained in the comments below. The project includes a proposed foot bridge, boardwalk, paved and oyster shell trails, picnic pavilion, outdoor classroom area, observation area, kayak launching area, and two observation pier with decks within the Critical Area 100-foot Buffer. The boardwalk, trails, pavilion, outdoor classroom and decks are not considered water dependant facilities under County Code (section § 14:1-11). Therefore, a conditional approval from the Critical Area Commission per COMAR 27.02.06 is necessary for this project due to impacts to the Buffer (County Code § 14:1-51). I have reviewed the material submitted and have the following comments:

1. The criteria listed under COMAR 27.02.06.01 for conditional approval must be met by the project (attached). Please provide a narrative explaining how the project meets the Criteria. In order to meet these criteria, the project should minimize impacts to

the Buffer by proposing a single trail throughout the site, which can be paved and can be wide enough to accommodate the appropriate amount and type of use, accompanied by oyster shell pathways that only run directly (perpendicular to the shoreline) from the main trail to the observation areas, piers, or in the case of the western portion of the site, the oyster shell trail can form that section of the trail system. The picnic pavilion should be moved outside of the Buffer. The number of observation areas should be minimized and they should avoid vegetation removal, should be made with pervious material and should be located outside of the Buffer to the extent possible. The existing structure may be repaired or replaced in kind for the future outdoor classroom, but the footprint of the structure should not be expanded.

2. Please show the location of the Critical Area designations on the plan and show the 100-foot Buffer and expanded Buffer. (County Code § 14:1-32)
3. Please indicate the disturbance area required for the work with a "Limit of Disturbance" line on the plan and calculate the area of this disturbance proposed in the Buffer. Please also calculate the area of vegetation (trees/shrubs) in the Buffer that will be impacted by the proposal. For this calculation, isolated trees can be counted as individuals, otherwise the disturbance to vegetation should be calculated on a square foot basis. This information will be used to calculate the mitigation requirement. (County Code § 14:1-32)
4. If any work is proposed in the IDA portion of the property, please address the 10% stormwater pollutant reduction requirement. (County Code § 14:1-33)
5. Please submit a letter from DNR - Wildlife and Heritage Service regarding the project. Any additional requirements of DNR Wildlife and Heritage Service for habitat protection areas must be addressed. (County Code § 14:1-32)
6. Any required Maryland Department of the Environment (MDE) wetland permits must be approved prior to scheduling the project for presentation to the Critical Area Commission.
7. A mitigation planting plan will be required for impacts to the 100-foot Buffer and any forest clearing. If total mitigation meets or exceeds 5,000 square feet, the Planting Plan must be completed and submitted prior to scheduling for the Commission. The plan submitted shows Buffer planting areas. Please submit information about the size of the proposed planting area, as well as plant species, density and stock size.
8. Please submit confirmation that coordination with Maryland Historical Trust has occurred for this project and there no outstanding concerns or issues.

Mr. MacGlashan
August 27, 2008
Page 3 of 3

Thank you for the opportunity to comment on this submittal. If you have any questions or concerns, please contact me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Steve Cohoon, Queen Anne's County
QC 499-08

Attachment: Criteria for conditional approval

Title 27 Chesapeake Bay Critical Area Commission
Subtitle 02 Development in the Critical Area
Resulting From State and Local Agency Programs

Chapter 06 Conditional Approval of State or Local Agency Programs
in the Critical Area

CONDITIONAL APPROVAL REQUEST FORM (27.02.06.01)

A. If development is proposed to be undertaken or caused in the Critical Area by State or local agency actions and this development is prohibited from occurring by the Criteria in this subtitle, the Agency proposing the development may seek conditional approval for the project or program by the Commission.

B. (1-3) In order to qualify for consideration by the Commission for conditional approval, it shall be shown by the proposing or sponsoring agency that the project or program has the following characteristics:

- (1) That there are special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;
- (2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program; and
- (3) That the project or program is otherwise in conformance with this subtitle.

C. (1-3) The conditional approval request must contain the following:

- (1) A showing that the literal enforcement of the provisions of this subtitle would prevent the conduct of an authorized State or local agency program or project;
- (2) A proposed process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05; and
- (3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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August 28, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 03-04-05-0003-C, Southeast Creek, LLC Amendment #1

Dear Mr. Hall:

The applicant proposes to create an additional lot in the RCA based on a May 2008 revised wetland delineation by McCarthy and Associates. A representative from McCarthy and Associates met with CAC staff on site, and the information required related to the delineation has been provided. At the site visit it was evident that clearing had occurred within the Critical Area Buffer and a dock has been constructed at the shoreline. These development activities were not approved and are a violation of the County Critical Area Program, particularly County Code § 14:1-51.

The County may not approve the proposed lot creation (revision of subdivision) until the County has taken enforcement action, and the landowner and/or contractor has fully satisfied all enforcement requirements. Under the provisions of Chapter 119 of the 2008 Laws of Maryland, enforcement action must be taken by the County to address every violation of the Critical Area law, regardless of whether the County has amended its local ordinances. When we met recently in your office, these requirements were discussed with County staff.

The letter from Commission Chair, Margaret McHale, to your office dated August 8, 2008, should be most informative as you prepare your enforcement action for this case. The Chair outlined pertinent provisions of the 2008 Critical Area legislation, including the following requirements: A local authority that identifies a violation of the Critical Area law or of the local program must take enforcement action. A development activity commenced without a required permit, approval, variance, or special exception is a violation of the Critical Area law. Given the facts and circumstances of each violation, the local authority shall require payment of an appropriate penalty and site restoration and mitigation as necessary to offset adverse impacts to

Mr. Hall
August 28, 2008
Page 2 of 2

the Critical Area resulting from the violation. A permit, approval, variance, or special exception for a property may not be issued until all conditions have been fully satisfied for the affected property, including full payment of penalties, full performance of all site restoration requirements, and full performance of all mitigation requirements. For restoration or mitigation that exceeds 1,000 square feet or involves expenses exceeding \$1,000, the local authority shall collect a bond or other financial security or adopt appropriate procedures to ensure that the restoration or mitigation is properly completed (see further details on bonding in the above referenced letter).

The site of the violation should be restored by revegetating the cleared area and removing the dock. Mitigation should be provided on site in the Buffer in the form of tree and shrub plantings at a ratio of three times the area of the clearing. In addition, a fine in an appropriate amount should be assessed and collected. When all of the above steps have been completed (including the required planting), then the County may process the application for subdivision.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 376-08
Marianne Dise, Office of the Attorney General

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

August 28, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: King's Ransom Subdivision on MD Rte. 522, Chester - 04-06-06-0004-C
Bozek / McCrone, Inc**

Dear Ms. Tompkins:

Thank you for providing the updated plan and information on the above referenced project. The applicant has revised the plan and now proposes to subdivide a property located in the Limited Development Area (LDA) into five lots. This office has the following comments.

1. The Critical Area 100 foot Buffer must be expanded to include contiguous non-tidal wetlands (Code of Maryland Regulations 27.01.09.01.C(7) and County Code Section 14:1-52). This office opposes approval of lots that will require a variance for development. Proposed Lot 5 can not be developed without impacts to the Critical Area Buffer, which would require a variance. Please eliminate Lot 5 from the plan.
2. The proposed configuration includes additional portions of the Critical Area Buffer in those lots. No development activity including disturbances such as clearing or grading is allowed in the Critical Area Buffer (County Code § 14:1-51 and Code of Maryland Regulations 27.01.09). This office opposes approval of lots that will require a variance for development. At a minimum, the Building Restriction Line (BRL) must be located completely outside of all expanded Buffers and the County must confirm sufficient buildable area exists. Further, this office does not support impacts to nontidal wetland buffers for a new subdivision and will notify MDE of this concern.
3. The note on page 4 of the plat should be revised to state the specific language of County Code § 14:1-51 A, B, C and D. Otherwise, it should state that no development activity is

permitted in the Critical Area Buffer.

4. As stated in the previous letter, the applicant's proposal must meet County Code §14:1-54. (Woodland reforestation and afforestation standards in Critical Area District). All requirements for planting, ongoing management, performance guarantees, and restrictive covenants or easements must be met by the applicant. For off-site afforestation, prior to final plat approval, the applicant must submit a copy of a recorded Conservation Easement document and plat of the afforestation property that ensures that forest created through afforestation shall be maintained through restrictive covenants or easements (per County Code §14:1-54.E).
5. The new lot coverage regulation of Chapter 119 of the 2008 Laws of Maryland (HB 1253) apply to this proposal, as described in the Comprehensive Explanation of HB 1253 dated August 8, 2008 (Attachment B to the letter from Margaret McHale to Steve Cohoon of that date). However, the project is eligible to apply for exemption from the regulation if the applicant follows the established procedure for doing so illustrated in the letter referenced above. In general, this project may only be exempt from the new lot coverage requirements if a lot coverage plan that shows the proposed amounts of impervious and partially pervious areas of development on the lots is submitted and approved by the County by July 1, 2010. The plan must remain valid and can be changed only with the same or a lesser amount of impervious or partially pervious surface in accordance with County procedures. If the County does not approve a site development plan by July 1, 2010, the subdivision would no longer be exempt.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 724-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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August 28, 2008

Reggie Graves
MDE - Water Management Administration
1800 Washington Boulevard
Baltimore, MD 21230

**RE: 200861307/08-GL-1187; Thompson Creek Road boat launch area
redevelopment project**

Dear Mr. Graves:

Thank you for providing information on the above referenced proposal. The site is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area and is within a Buffer Exempt Area (BEA). It includes replacement bulkheads, parking area, a new boat ramp, timber decks, the following comments pertain to the plans for the proposed project.

Because this is a County project, the proposal is required to comply with COMAR 27.02.02 - State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions. In order to be consistent with the County Program, development activity proposed in the Critical Area must meet all requirements of the County program and COMAR, including all applicable requirements under County Code § 14:1-53 (Specific provisions for Buffer exempted areas). Prior to initiation of the construction activities CAC staff must review this project. Based on that review, Critical Area Commission staff may find that Conditional Approval from the Critical Area Commission would be required

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3479.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Marshall Johnson'.

Marshall Johnson
Natural Resources Planner

cc: Queen Anne's County Parks / Planning and Zoning

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 4, 2008

Dan Reagle
Maryland Transit Administration
6 Saint Paul Street
Baltimore, MD 21202-1614

Re: MTA Bridge 32.03 at Tuckahoe Creek

Dear Mr. Reagle:

On August 28, 2008, I received your email message stating that you would be sending additional information for the project at MTA Bridge No. 32.03 over Tuckahoe Creek. Once this information is received, I will review it and send you a response as soon as possible. At this time, I am writing to make you aware of the timelines for review of a project by the Critical Area Commission. The deadline to submit a complete application package for consideration by the Commission on the October agenda has passed. All required materials must be submitted no later than September 24, 2008 in order to be considered for the November agenda. The materials required for a complete application are listed in my July 31, 2008 letter to Dawn McCleary. Please contact me at (410) 260-3479 if you have any questions regarding the deadlines.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resource Planner

cc: 47-07 DOT
Meg Andrews, DOT

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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September 8, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 05-07-09-0004-C, 232 Prospect Bay Drive West, Grasonville
Wheatley Subdivision**

Dear Ms. Jackson:

Thank you for providing the revised Buffer Management Plan. It appears that all of our comments have been addressed. This office has no further comment.

Thank you for your assistance with this project. Please contact me if you have any questions at (410) 260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 547-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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September 10, 2008

Janice Henderson
City of Cambridge
Planning and Zoning
705 Leonard Lane
Cambridge, MD 21613

RE: Dorchester School of Technology

Dear Ms. Henderson:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On September 3, 2008, the Critical Area Commission approved the conditional approval request for the project. As required by Code of Maryland Regulations, this motion is based on the following considerations:

- Except for the disturbance of the Critical Area 100-foot Buffer, there are no other impacts to Habitat Protection Areas. As a result, the proposed project is in compliance with the relevant chapters of this subtitle.
- Disturbances to the Critical Area Buffer will be mitigated at appropriate ratios specified by the Commission.
- The proposed project will provide public benefits to the Critical Area Program.

The proposed planting plan information that was submitted to this office satisfies the mitigation required for this project. A signed planting agreement detailing the number and type of plants, date by which they will be installed and that plantings are to be located in the Buffer on site, must be submitted at this time (please use attached form). Should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. If you have any questions, please feel free to contact me at 410-260-3479.

Sincerely,

Marshall Johnson
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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September 11, 2008

Patricia Greene
State Highway Administration
Office of Planning and Preliminary Engineering
707 North Calvert Street
Baltimore, MD 21202

**Re: MD 404 Dualization Phase 1A
Tuckahoe Creek, Caroline County**

Dear Ms. Greene,

I am writing to make you aware of the review status of the above referenced project by the Critical Area Commission staff. At this time, the State Highway Administration's project as submitted remains incomplete and is therefore not able to be scheduled on an agenda of the Commission. As previously communicated to you, the deadline to submit a complete application package for consideration by the Commission on the October agenda was August 20, 2008. In order for the project to be considered for the November Commission agenda, all required materials must be submitted to staff no later than September 24, 2008. The outstanding materials required for a complete application are listed below.

1. The Maryland Department of the Environment (MDE) wetland permit must be approved for Phase 1A. Once the MDE permit has been approved, please submit a copy of the authorization.
2. The MDE stormwater and sediment and erosion control permit for Phase 1A must be approved or correspondence must be submitted from MDE showing that the approval is pending and that there are no significant issues remaining.
3. The documentation that the Maryland Historical Trust (MHT) has approved Phase 1A work refers only to work conducted to the east of the Tuckahoe Creek, however

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Letter to Ms. Greene
May 15, 2008
Page 2 of 2

Phase 1A also includes work proposed on the west side of the creek. Please submit documentation that MHT has approved all of the proposed work for Phase 1A.

Thank you for submitting information on this project. Please contact me at (410) 260-3479 if you have any questions regarding the deadlines or the outstanding materials needed for review.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: DOT 67-07
Meg Andrews, MDOT

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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September 22, 2008

Ms. Betsy Walk
Caroline County Office of Planning
403 S. Seventh Street, Suite 210
Denton, Maryland 21629

**Re: Local Case #06-021
Gelletly Minor 3 Lot Subdivision**

Dear Ms. Walk:

Thank you for providing a revised plan on the above referenced proposal. The applicant proposes a three lot subdivision of a 20.99 acre parcel. A portion of the site is located within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The following comments restate comments from the previous letter from this office (dated January 18, 2008) requesting the following specific note additions/corrections, which have not been made.

1. The Critical Area notes should state the amount of RCA acreage on the site.
2. The plat should contain a note stating no additional dwelling units or subdivision may occur within the RCA.
3. The Critical Area line should be labeled "1000 foot Critical Area Boundary" instead of "Critical Area Buffer."

Thank you for the opportunity to comment. Please have the applicant address the comments above and provide a revised subdivision plat. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,


Marshall Johnson
Natural Resources Planner

cc: CR 761-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 22, 2008

Chris Pajak
MDE - Water Management Administration
Nontidal Wetlands & Waterways Division
201 Baptist Street
Salisbury, MD 21801

**RE: 200863669 08-NT-2129, Atchafalaya Holdings LLC driveway
Love Point, Queen Anne's County**

Dear Mr. Pajak:

Thank you for providing information on the above referenced application. The applicant has requested permission for improvements at this site which would impact a nontidal wetland. Our records indicate that this nontidal wetland may be contiguous to the 100 foot Critical Area Buffer at this site. If this is the case, the Critical Area Buffer is expanded to include the nontidal wetland (County Code § 14:1-52. Expanding the Buffer). Please have the applicant confirm the location of the Critical Area Buffer, and show the require expansion of the Buffer for a contiguous nontidal wetland. If the proposed development would impact the expanded Critical Area Buffer all applicable criteria of COMAR and the County Critical Area Program § 14:1-51 (Buffer standards and requirements) should be addressed prior to approval of the project by the County.

If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

CC: Holly Tompkins, Queen Anne's County

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

September 22, 2008

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Chris Pajak
MDE - Water Management Administration
Nontidal Wetlands & Waterways Division
201 Baptist Street
Salisbury, MD 21801

RE: #2006063, Terzi - Queen Anne's County

Dear Mr. Pajak:

Thank you for providing information on the above referenced application. The applicant has requested permission for improvements at this site which would impact a nontidal wetland. The site is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area. There is existing development on the site which will remain. The applicant proposes to redevelop a portion of the site with a new commercial building. If the proposed development would impact the Critical Area Buffer all applicable criteria of COMAR and the County Critical Area Program § 14:1-51 (Buffer standards and requirements) should be addressed prior to approval of the project by the County. New development activities are not allowed in the Critical Area Buffer without approval of a variance under the County Critical Area Program. The following specific comments apply to the proposal.

1. Any work for the outfall in the Critical Area Buffer must be shown as the limit of disturbance proposed in the Buffer. Since an outfall is a water dependant facility, no variance from the County would be required to do this work. The proposed disturbance to the Buffer for grading for the sand filter is prohibited.
2. The proposed parking spaces within the 100-foot Critical Area Buffer would require a variance. County Code §14:1-51 (Buffer standards and requirements) states that new development activities, including erection of structures, parking areas or other impervious surfaces are not permitted in the Buffer. Therefore, a variance would be required which this office would oppose.
3. The stormwater management plan states that the 10% reduction requirement is not met by the sand filter. Existing impervious gravel must be removed from the Buffer of this site to meet the 10% requirement before using the option of planting as an offset.

If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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September 22, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

**RE: Board of Education for Queen Anne's County
Queen Anne's County Alternate School, Centreville**

Dear Mr. Hall:

Thank you for providing the Consistency Report for the above referenced proposal to construct addition of modular classroom units beside existing units. The lot is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The applicant proposes to redevelop the site with additions to an existing school. No habitat protection areas will be impacted, and no mitigation is required. I concur that that the project is consistent with the provisions of COMAR 27.02.02 and the criteria outlined within COMAR 27.01.02.03.

Thank you for your assistance and cooperation in reviewing this project. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Marshall Johnson'.

Marshall Johnson
Natural Resources Planner

cc: QC 457-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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www.dnr.state.md.us/criticalarea/

September 22, 2008

Amy Moore
Town of Queenstown
7013 Main Street
P. O. Box 4
Queenstown, MD 21658

RE: First Avenue Bulkhead Replacement and Redevelopment

Dear Ms. Moore,

I have received the revised plans as requested for this Town project to replace the First Avenue bulkhead redevelop the site. I concur that that the project is consistent with the provisions of COMAR 27.02.02 and the criteria outlined within COMAR 27.01.02.03 for the following reasons.

1. The project is to replace an existing water-dependant facility.
2. The Town will provide mitigation of 2:1 totaling 1,400 square feet of the impacts to the Buffer.
3. No other Habitat Protection Areas will be impacted.

Thank you again for your assistance and cooperation in reviewing this project. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to be 'M. Johnson'.

Marshall Johnson
Natural Resources Planner

cc: QT 459-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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September 22, 2008

Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 04-08-09-0003-C, Bell Administrative Subdivision

Dear Ms. Jackson:

Thank you for providing information on the above referenced proposal. The applicant proposes to reconfigure three lots and one parcel into three new lots. The area is designated Intensely Development Area (IDA). The Critical Area Criteria (COMAR 27.01.02.07B.2.a) and more recently, Chapter 119 of the 2008 Laws of Maryland, require local Critical Area programs to include procedures for lot consolidation and reconfiguration in order to bring certain lands into conformance with the County's Critical Area Law and Program to the extent possible. This requirement is intended, in part, to recognize that while impacts to HPAs may be unavoidable in developing individual grandfathered lots of record, opportunities exist to minimize impacts to HPAs where lots in common ownership can be combined and/or reconfigured. The new legislation also requires local jurisdictions to submit their existing lot consolidation and reconfiguration procedures to the Commission and authorizes the Commission to develop regulations on this subject. If Queen Anne's County does not intend to revise its ordinance at this time to incorporate specific provisions to bring qualifying lots of record into conformance to the extent possible, then the County must make specific findings on a case-by-case basis to meet the new legislative requirement.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 547-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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September 22, 2008

Cathy Maxwell
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

**RE: V-080007 Variance, Magnum
200 Bridgeview Lane, Stevensville**

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance request. The site is a 15.9 acre property located within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. This site is currently developed with a house and associated amenities. The applicant proposes to demolish the existing house and construct a new house outside of the Critical Area Buffer as shown on the site plan. Fill for construction of the house is proposed in excess of 600 cubic yards within the floodplain, which requires a variance under County regulations. The application states that the fill is outside of the 100-foot Buffer of the Critical Area.

Provided that the subject lot is properly grandfathered, this office does not oppose the variance. However, to the extent possible, impacts to habitat and water quality should be minimized. The Critical Area Commission staff has the following comments regarding the development proposal.

1. The site plan shows a line labeled Critical Area Buffer, but does not address whether the shoreline, wetlands and drainageway potentially requiring Buffer expansion were delineated. Please have the applicant provide documentation that a professional delineation has been conducted and that requirements for Buffer expansion have been met as required in the Code of Maryland Regulations 27.01.09.01, County Code Section 14:1-51 and County Code Section 14:1-52.
2. As required under County Code § 14:1-39, when forest on the site totals less than 15% of the site area, additional forested areas shall be established so that at least 15% of the site area is in forest cover. The location of the afforested area shall be designed to protect habitats or to provide continuity with forested areas on adjacent sites. The 15% afforestation requirement should be met with plantings located in the Buffer.

3. The proposal should minimize impacts by including stormwater management design elements which increase benefits to water quality from the stormwater leaving the site to the extent practicable. These may include pervious paving, pervious deck construction, and other low impact development methods which are acceptable to the County. Please be aware that lot coverage limits would apply to some of these elements.
4. Any proposed gravel areas or gravel driveway will count toward lot coverage limits on this site.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 500-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

September 22, 2008

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Variance File #08-0767 – Ferat Variance Request

Dear Ms. Chaillet:

Thank you for submitting the materials for the above referenced variance request. The applicant proposes to remove an existing house and to construct a new house, partially within the expanded Critical Area Buffer. Under the County Zoning Ordinance, only structures that are water dependent facilities may be located in the Buffer. The applicant is requesting a variance because the proposal does not comply with the County Ordinance. The applicant proposes 2,385 square feet of new impervious surface in the expanded Buffer. The majority of the new house is outside of the Buffer. However, the proposed approximately 900 square foot two story garage/living space, driveway and rain garden are within the expanded Buffer. Providing the lot is properly grandfathered, this office does not oppose a variance; however, in order to meet the standards and receive a variance it is recommended that the impacts be further minimized as explained below.

1. In light of the Buffer regulations and the adverse environmental impacts of placing structures within the Critical Area Buffer, the new structures must be moved as far as practicable from the waterway and reduced in size to the extent practicable. It appears that there are options for further minimizing the impacts. For example, it appears that the garage could be attached to the house, reduced in size and placed outside of the Buffer.
2. Mitigation in the form of Buffer plantings must be provided at a ratio of 3:1 for the area of disturbance in the Buffer. The plantings should occur between the new development and the shoreline. The Buffer area between the house and the water should not be lawn or grass.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case.

Sincerely,

Marshall Johnson
Natural Resource Planner
cc: SM 507-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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September 24, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: MISP# 04-08-06-0002-C, Commercial Shopping Center - Kent Island Crossing

Dear Ms. Tompkins:

Thank you for providing revised plans and updated information for the above referenced project site plan. The lot is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area, based on the growth allocation that was approved on this site. The applicant proposes to redevelop the site with new commercial development. This office has the following comment on the resubmitted material.

1. The Critical Area Commission growth allocation approval of August 25, 2005 included a condition that the applicant shall obtain necessary approvals from MDE for the stormwater outfall prior to final site plan approval. As the submitted email correspondence indicates, the applicant needs to receive a wetland permit or approval from MDE for the outfall construction. Please have the applicant submit copies of the MDE approval to meet this condition.

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

Marshall Johnson
Natural Resources Planner

cc: QC 962-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

www.dnr.state.md.us/criticalarea/

September 25, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: File # 05-06-11-0009-C; Waterman Realty Subdivision

Dear Ms. Jackson:

Thank you for providing resubmitted plans and information for the above referenced proposal. The site is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area. The applicant is now proposing to subdivide the site into four lots for residential development. The Critical Area Commission staff has the following comments.

1. Stormwater requirements for the IDA must be addressed prior to subdivision approval. The proposed organic filter planter design for disconnection of rooftops is not appropriate for this project. If a rooftop disconnect method is to be proposed, a raingarden should be used, and if it must be a contained system due to site conditions, all of the specifications of the Flow thru Planter in Queen Anne's County Environmental Site Design Manual, section 5.2.2 must be used. For any disconnection the contributing area to a single location or element can not exceed 1,000 square feet.
2. A note must be placed on the plat stating the following for Stormwater Management Notes:
 - All impervious surfaces on all lots must have disconnected rooftop and surface (non-rooftop) runoff
 - The impervious surface on each lot will be limited by the standards for runoff disconnection

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

3. The road adjacent to the site does not affect the requirement for field locating the 100-foot Buffer. As stated previously, the 100-foot Buffer must be delineated in the field as mean high water or the edge of tidal wetlands may have changed since the 1972 wetland map. Please have the applicant delineate the Buffer appropriately.

Thank you for the opportunity to provide comments on this proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 758-06

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 25, 2008

Reggie Graves
MDE - Water Management Administration
1800 Washington Blvd
Baltimore, MD 21230

RE: # 200861896/08-WL-1336 – Clark Landing At Skipjack Landing LLC Redevelopment

Dear Mr. Graves:

The applicant has proposed a redevelopment project to improve an existing commercial marina. The site is within the Limited Developed Area (LDA) and is designated as Buffer Exempt Area. The proposal involves dredging, new piers and a bulkhead replacement/upgrade in the Critical Area. The plans indicate that a portion of the proposed bulkhead is landward of mean high water. A permit is required through the County for this work, as Critical Area program requirements must be addressed, for Buffer Exempt Area standards.

If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

CC: Steve Cohoon, Queen Anne's County

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 25, 2008

Bob Tabisz
MDE - Water Management Administration
1800 Washington Blvd
Baltimore, MD 21230

RE: # 200860933/08-WL-1147 – Town Creek Marina Redevelopment

Dear Mr. Tabisz:

The applicant has proposed a redevelopment project to improve and expand an existing commercial marina. The site is within the Intensely Developed Area (IDA) and Buffer Management Overlay (BMO). The proposal involves repair of an existing boathouse and shed, stone revetment, and a parallel walkway in the Critical Area. A permit is required through the County for this work, as Critical Area program requirements must be addressed, including the LDA and BMO standards. The proposal may be required to address additional criteria of COMAR and the County Critical Area Program. New development activities that are not water dependent and parallel walkways, are not allowed in the Critical Area 100 foot Buffer.

If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

CC: Sue Veith - St Mary's County

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 29, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: CP 05-08-07-0012, Fisherman's Village Concept Site Plan

Dear Ms. Tompkins:

Thank you for providing revised plans for the above referenced project. The site is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area and is within a Buffer Exempt Area (BEA). The plans indicate that the applicant proposes to redevelop the site by removing existing buildings, building a new commercial building and associated parking, 12 foot wide boardwalk and associated facilities. The following comments apply to the information on the submitted plan.

1. The 10% stormwater pollution reduction calculations state that there will be a reduction in impervious surface for this project, and that there is a negative removal requirement. The plans indicate about 8,668 sq. ft of impervious surface to be converted to pervious, including about 6,800 sq. ft. removed from the Buffer. Please provide additional information about where this is located on the site and the type of pervious material that is proposed.
2. This project must meet all applicable requirements under County Code § 14:1-53 (Specific provisions for Buffer exempted areas). For any structures proposed in the setback that are new, a variance may be required per § 14:1-53, which this office would not support unless the applicant can demonstrate that the project meets all applicable variance standards. The proposed boat sales building, banquet/conference facility and boathouse would be considered new structures by this office. Please have the applicant address § 14:1-53.
3. If the applicant has contacted the Wildlife and Heritage Service with DNR to determine whether there are any necessary conservation measures related to

Holly Tompkins
September 29, 2008
Page 2 of 2

sensitive species for development at this site, please have the applicant submit a copy of the letter to this office.

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 455-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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Memorandum

Date: September 29, 2008

To: Raj Williams, Land Acquisition and Planning

From: Marshall Johnson, Critical Area Commission

Re: **2007-DNR-051 – Relocation of shed at St Clements Island State Park**

I have received plans for the relocation of a shed at St Clements Island State Park for review and comment. The proposal is to demolish an existing shed that is within the Critical Area 100-foot Buffer because of the risk of flooding. A replacement shed would be located on the site but outside of the Buffer in a location that is already cleared of vegetation.

The pre-existing shed was previously approved by the Critical Area Commission in 2005. Given there will be no disturbance to the 100-foot Buffer or removal of vegetation for the new shed, this relocation can be approved without further review by the Critical Area Commission. The existing concrete pad must be removed and the area planted in natural vegetation. If DNR intends to maintain the concrete pad, this proposal will require full review by the Critical Area Commission.

Thank you for your continued coordination of activities on Department lands. Please continue to forward any proposed activities on Department lands to Commission staff for review. Feel free to contact me at (410) 260-3479 if you have any questions, or require additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 30, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: 08-0184, Hall House Variance

Dear Ms. Chaillet:

Thank you for providing information on the above-referenced variance application. The 18,241 square foot lot is designated as a Limited Developed Area (LDA). The site is undeveloped, and approximately 17,023 square feet of the lot is forested. The applicant is proposing to build a house, septic mound system, driveway, deck, and associated facilities on the site. The applicant is requesting a variance to allow clearing of 11,070 square feet of the existing forest on the site, which exceeds the 30% forest clearing allowed under County Critical Area regulations.

Providing the lot is properly grandfathered, this office does not oppose the variance. If possible, we recommend only clearing for one of the septic areas at this time, until the second one is needed. The new development should include stormwater management design elements which increase benefits to water quality from the stormwater leaving the site. The mitigation plantings should meet the requirements of the County Code (Section 72.3.5).

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at (410) 260-3479.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resource Planner

cc: SM 536-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 30, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Variance File #08-1380 – Brinsfield Variance Request

Dear Ms. Chaillet:

Thank you for submitting the materials for the above referenced variance request. The applicant proposes to renovate an existing house within the expanded Critical Area Buffer. The site is currently non-conforming in respect to lot coverage at 24.4%. The proposed renovation would result in a reduction to 19.2%. Providing the lot is properly grandfathered, this office does not oppose a variance. The following comment applies to the proposal.

Mitigation should be required at a ratio of 3:1 for the disturbance area that is within the Buffer. Recommended mitigation plantings consist of a mix of native species of trees, shrubs and ground cover on the site within the Buffer and should consist of one tree (two-inch-caliper) and three shrubs (two-gallon-pots) per 400 square foot mitigation area required.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Marshall Johnson'.

Marshall Johnson
Natural Resource Planner

cc: SM 523-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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September 30, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: 08-1123, Fischer Variance

Dear Ms. Chaillet:

Thank you for providing information on the above-referenced variance application. The lot is 12,500 square feet in size and is designated as a Limited Developed Area (LDA). There is an existing house with associated amenities on the site. The applicant is requesting a variance to allow construction of a new deck within the expanded Critical Area Buffer. A disturbance area of 400 square feet is proposed within the Buffer. The applicant is also requesting a variance to exceed the lot coverage limits of the LDA under the County program, although the deck does not affect the lot coverage limit under the State Critical Area regulations based on the 2008 Critical Area legislation.

The application states that no vegetation will be removed for the project. Providing the lot is properly grandfathered, this office does not oppose a variance for construction of a new deck in the expanded Buffer on this site. Mitigation for the impacts must be provided at a 3:1 ratio. The mitigation plantings should be in the Buffer on site to the extent possible.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at (410) 260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resource Planner

cc: SM 560-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 3, 2008

Mr. Ronald A. Stafford, President
Commissioners of Hillsboro
P.O. Box 128
Hillsboro, MD 21641

Re: 22018 Church Street, Hillsboro - Segar property

Dear Mr. Stafford:

Roby Hurly, former Maryland Department of Planning (MDP) Circuit Rider working with the Town, has informed me of the issues surrounding the Segar property in Hillsboro. I have received a survey of the property and a summary of development on the property from the owner's consultant. The survey indicates that the site is 12,642 square feet in size and currently developed with 3,581 square feet of lot coverage.

Under Town Code and the Critical Area regulations, the site is limited to 3,160 square feet, which exceeds the 25% limit. According to the information I received from Mr. Hurley, recent development activity on the property has resulted in the site exceeding the 25% lot coverage limit. In addition, it is my understanding that the owner did not have permits from the Town for this work.

In regard to the unpermitted development activities on this site, we note the enforcement requirements of the Critical Area 2008 legislation. Specifically, the Town should first confirm whether the site is in violation. If a violation is found to exist, the 2008 legislation requires the Town to officially site the responsible party with a violation notice, to collect fines and to ensure that the violation has been abated through site restoration or mitigation plantings, before any permit or other approvals are issued. Once these components have been completed and the violation has been properly dealt with, the applicant may proceed with the local process to retain the unpermitted coverage, if desired. In this instance, the applicant's consultant has indicated to me that he is going to request application of Town Code Section 1-107(c)(7)E to exceed the 25% lot coverage limit. This process requires the Planning Commission to make findings. Should the Planning Commission make findings in the applicant's favor, additional mitigation would

be required upon approval of a permit consistent with the normal requirements of the Town Code. This mitigation is in addition to that provided to rectify the violation.

Alternatively, once the violation is dealt with, the applicant may chose to remove the excess impervious surface.

I hope that this letter provides you with clarification in regard to the requirements of the 2008 legislation. If you have any questions regarding applicability of the new law to this property, please telephone me at (410)260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Warren Thomas, Town of Hillsboro
Barry Griffith, Lane Engineering

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 3, 2008

Mr. Russell Blake, City Manager
PO Box 29
Pocomoke City, MD 21851

RE: Delmarva Discovery Center Site Plan, Pocomoke City

Dear Mr. Blake:

We have received copies of the Mitigation Planting Plan for the Delmarva Discovery Center project. Mitigation requirements for the new impervious surface in the 100-foot Buffer will be met with the proposed plan for plantings consisting of 17 trees and 51 shrubs installed in the Buffer. The Critical Area Commission staff concurs that the project complies with the Critical Area requirements in so far as possible. Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: Bruce Morrison, Pocomoke City
Brian Garrett, Delmarva Discovery Center
PO 12-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 3, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 04-08-05-0004-C,
James Davidson - Gary Weldon Sub**

Dear Ms. Tompkins:

Thank you for providing revised information and plans for the above referenced administrative subdivision. The applicant proposes to subdivide the site which is comprised of two lots designated Limited Development Area (LDA) and one parcel designated Resource Conservation Area (RCA).

The proposed subdivision would extend two LDA lots into the RCA to the shoreline. The intent of the proposed subdivision is to provide these non-waterfront LDA lots with access to the water with a pier. County Code § 14:1-39.B(3) lists specific uses that are permitted within the RCA. A pier in the RCA serving development in the LDA is not listed under this section as a permitted use, and therefore is not allowed. Facilities for development outside of the RCA can not be placed in the RCA. The proposed subdivision does not meet the requirements of County Code or the Critical Area Law and may not be approved as proposed.

Thank you for the opportunity to comment. Please notify this office with the County's decision in this matter, and call me if you have any questions (410) 260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to be "M. Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 265-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 6, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Variance File #08-1949; Self - 39838 Cathy Circle, Mechanicsville

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance add a new 240 square foot shed within the 100-foot Buffer expanded for highly erodible soils. The property is 20,156 square feet in size and designated as Limited Development Area (LDA). The lot is developed with a single family home, shed, and driveway. The proposed additional shed is within the lot coverage limit for a parcel of this size. Provided the lot is properly grandfathered, this office does not oppose this variance request. Based on the information provided, I have the following comments:

1. The applicant should provide mitigation at a ratio of 3:1 per the requirements of Section 24.4.2 of the St. Mary's Comprehensive Zoning Ordinance. Plantings should consist of native vegetation and be accommodated on site.
2. Given the potentially erosive nature of the soils on site, this office recommends the applicant provide an appropriate best management practice to treat stormwater runoff from the new structure. The applicant may consult with the Saint Mary's Soil Conservation District for advice.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resource Planner

cc: SM 575-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
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October 6, 2008

C/O Mary Tolodziecki
James W. Price, Director
Program Open Space
Tawes State Office Building
580 Taylor Avenue, E-4
Annapolis, MD 21401

**RE: DNR Clearinghouse Review of Local POS # 5490-17-149;
Old Love Point Park sports field irrigation, Queen Anne's County**

Dear Mr. Price:

Based on the information provided, new irrigation systems are proposed at the park. Queen Anne's County must submit additional information to this office for review. Portions of the park are within the Resource Conservation Area (RCA) and Limited Development Area (LDA) of the Critical Area. The County must submit a Consistency Report to the Critical Area Commission office for review and concurrence prior to commencing work in these areas.

In order to comply with Critical Area regulations, the project should minimize impact to any existing vegetation or forest within the RCA and LDA portions of the site. Any forest area cleared would require replacement on the site at an in-kind ratio of 1:1. Please alert Queen Anne's County of the need for Critical Area Commission review. If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

Marshall Johnson
Critical Area Commission, Natural Resources Planner

cc: Steve Cohoon, QAC
QAC Department of Parks and Recreation

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

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Governor

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October 6, 2008

Shawn Clotworthy
Department of Natural Resources
580 Taylor Ave
Annapolis, MD 21401

RE: Matapeake State Park Clubhouse and Beach (Queen Anne's County)
Department of Natural Resources

Dear Mr. Clotworthy:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above referenced project. On October 1, 2008, the Critical Area Commission approved the Matapeake State Park Clubhouse and Beach project proposed by the State Department of Natural Resources (DNR), with the following conditions.

1. Prior to the start of construction, Queen Anne's County shall obtain approval from the Maryland Historical Trust for the proposed improvements.
2. Within 60 days of Commission approval, a planting plan agreement shall be submitted to Critical Area Commission staff for review and approval showing 1,422 square feet of new plantings within the Critical area Buffer.

Please complete and return the attached Planting Agreement. Should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. If you have any questions, please feel free to contact me at 410-260-3479.

Sincerely,

Marshall Johnson
Natural Resources Planner

Attached: Planting Agreement form

cc: Steve Cohoon, QAC
Gary Rzepecki, QAC

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 9, 2008

Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: MISP# 04-08-09-0005-C, Donkat Office/Warehouse Site Plan

Dear Mr. Hall:

Thank you for providing plans for the above referenced project site plan. The lot is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area. The applicant proposes to develop the currently undeveloped site with new commercial development. This office has the following comments on the resubmitted material.

1. The description of the existing vegetation on site meets the definition of developed woodlands in the County Code § 14:1-11. Therefore § 14:1-37.E, which involves limits on clearing to no more than 20%, applies to this project.
2. The stormwater management 10% pollution reduction calculations and supporting information state that raingardens will be used as part of a runoff disconnection plan. Raingardens are only applicable to residential development, not commercial development (see Critical Area 10% Rule Guidance Manual Appendix E and F). Please revise the stormwater management plans to meet the 10% rule requirements. A copy of the revised plan should be submitted with the revised plans.

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner
cc: QC 556-08

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
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October 9, 2008

Jennifer Jackson
Queen Anne's County
Department Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: Norman C. Durham
#03-07-10-0002-C

Dear Ms. Jackson:

Thank you for forwarding the revised plat plan for the above referenced subdivision request. The applicant proposes to obtain 1.32 acres from an adjoining parcel. The current parcel is 5.856 acres and is located in the Resource Conservation Area. I have outlined my comments below.

1. Under Ch. 119 of the 2008 Laws of Maryland lot coverage requirements of Natural Resources Article §8-1808.3 are applicable to this subdivision. The overall lot coverage limit of the proposed subdivision is 15%. The recent changes to the Critical Area law do not limit the amount of lot coverage on each lot provided the overall 15% lot coverage limit is met for the entire subdivision. Lot coverage means (1) the percent of a total lot or parcel that is occupied by a structure, accessory structure, parking area, driveway, walkway or roadway; or (2) covered with a gravel, stone, shell, impermeable decking, paver, permeable pavement, or an manmade material. Parcel 11(Parcel 3) does not show a driveway; however, this must be shown on the plat as it contributes to lot coverage. Please adjust the notes on the plan to accurately reflect lot coverage existing, including all surfaces identified in the definition above, and allowed on each proposed lot.
2. The applicant may utilize the County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that the subdivision plat contains information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements was filed by October 1, 2008 and whose development plan

is approved (recorded) by July 1, 2010 may utilize the County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;

- a) The approved development plan remains valid in accordance with the County's procedures and requirements; and
- b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by the County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations, please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

3. Information about soils was requested in the previous letter from this office. The information provided does not include the soils type to determine whether the Buffer requires expansion for hydric soils. This should be provided to ensure there is adequate buildable area on the proposed reconfigured lots. Please be sure that this applicant is informed of the requirements under County Code sections § 14:1-32. "Information to be shown on site plans and subdivision plats." Some of this information is missing from the submittal, which does not meet requirements of § 14:1-32. "The general location and areal extent of the following shall be shown on site plan and preliminary plats for land subdivision in the Queen Anne's critical area:
 - A. The location of the critical area boundary and the critical area designation;
 - B. The mean high water line;
 - C. The landward edge of tidal wetlands and their areal extent;
 - D. Location of open space, the critical area Buffer, other Buffer areas, Buffer exemption areas and forested areas;
 - E. Slopes of 10% to 15% and slopes of 15% or greater (show both);
 - F. Location and areal extent of all soils exhibiting the following characteristics as shown in the Queen Anne's County soil survey:
 - (1) Hydric soils and soils with hydric properties; and
 - (2) Highly erodible soils (soils on slope greater than 15% or soils on slope greater than 5% with K values greater than 0.35);
 - G. The location of all contiguous forested areas adjacent to the site which are linked to forested areas on the site (i.e., hedgerows, forest patches or other wildlife corridors);
 - H. Location of all habitat protection areas, as designated in the Queen Anne's County Critical Area Program, on the site;
 - I. Location of eroding shoreline reaches, the rates of erosion, areas where shore erosion measures are in place, areas to be protected by installation of shore erosion structures and

- other proposed erosion abatement approaches;
- J. Areas to be retained in agricultural uses;
 - K. Areas proposed for reforestation and afforestation;
 - L. Location of all existing or proposed site improvements, including storm drains, culverts, retaining walls, fences and stormwater management facilities as well as any sediment and erosion control structures; and
 - M. Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed. ("Disturbed" is defined as any activity occurring on an area which may result in the loss of or damage to existing natural vegetation.)"
4. The 100-foot Buffer is measured from the mean high water line (not lot lines) and expanded as necessary per Section 14:1-51 of the County Code. The plat must reflect this field delineated Buffer.
5. As stated in the previous letter, the lots should each have a minimum of 15% forest cover to meet the County's afforestation requirements. (County Code § 14:1-38.D(6)(a)).

Thank you for the opportunity to provide comments. Please telephone me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: QC 612-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

October 10, 2008

Rod Schwarm
U.S. Army Corps of Engineers, Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

**RE: 2008-00802-M13, Tracey Scheminant
Wallman Way, Queen Anne's County**

Dear Mr. Schwarm:

Thank you for providing information on the above referenced application. The applicant has requested permission for improvements at this site which would impact a tidally influenced wetland. Any development activity in the 100 foot Critical Area Buffer at this site requires a variance to the County Critical Area Program. Please have the applicant confirm the location of the Critical Area Buffer, including any required expansion of the Buffer. All applicable criteria of COMAR and the County Critical Area Program § 14:1-51 (Buffer standards and requirements) should be addressed prior to approval of the project by the County. New development activities, including road improvements, are not allowed in the Critical Area Buffer without approval of a variance under the County Critical Area Program. Variance standards include the standard of unwarranted hardship as well as requirements for minimization of impacts. It appears that impacts could be minimized by consolidation or reconfiguration of lots, relocating the driveway to run along the northeastern lot line of Lot 27 to provide access to both lots, or by reducing the width of the driveway.

If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read 'M Johnson'.

Marshall Johnson
Natural Resources Planner

CC: Holly Tompkins, Queen Anne's County

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 14, 2008

Brandy Glenn
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: 08-110-052, Maydel Manor

Dear Ms. Glenn:

Thank you for providing information on the above referenced subdivision proposal. The site is partially located within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The proposed subdivision/reconfiguration would create a new lot outside of the RCA. According to communication with County staff, Parcel G, which is a 0.144 acre RCA portion of the site, is not affected by this subdivision proposal. This office has no comment regarding the proposal.

Thank you for the opportunity to provide comments. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 540-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 14, 2008

Jeannie Harrington
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: 08-141-056, Paragati Lot Reconfiguration

Dear Ms. Harrington:

Thank you for providing information on the above referenced subdivision proposal. The site is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The plan shows a dwelling and shed existing on the site. The applicant is proposing to relocate an existing property line between two parcels. Parcel 178 is undeveloped and appears to be almost entirely within a tidally influenced wetland.

According to the submitted plan, the reconfiguration would result in the creation of a second waterfront parcel that is also completely encumbered by the Critical Area Buffer (as expanded for the contiguous nontidal wetland on the site). Accordingly, development of proposed Parcel 178 would require a variance. COMAR 27.01.02.07.B.2.a, in addition to Chapter 119 of the 2008 Laws of Maryland, requires that local jurisdictions develop procedures for the consolidation and reconfiguration of grandfathered lots of record such that the lands are brought into conformance with the local Critical Area Program insofar as and to the extent possible. In this case, the reconfiguration of Parcels 178 and 182 as proposed results in an intensification of use at the shoreline and within the Buffer. This intensification is inconsistent with the Critical Area Criteria and Law, particularly in regard to the goals for the Buffer. For these reasons, we oppose this reconfiguration as proposed and recommend that the County deny the applicant's request.

Thank you for the opportunity to provide comments. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson, Natural Resources Planner

cc: SM 577-08

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 14, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 04-08-05-0005-C, Blunt Marsh Farm Subdivision

Dear Ms. Tompkins:

Thank you for providing revised information on the above referenced administrative subdivision. The applicant proposes to divide the existing parcels located in the Resource Conservation Area (RCA). Comments have been provided below.

1. Given the site is designated as RCA, the number of permitted development rights is determined by the acreage of the original grandfathered parcel less all State-owned tidal wetlands. The plat notes indicate the total number of permitted development rights is 13, based on 270.435 total acres. As part of a subdivision of the property in 1993, the original parcel of record was stated to be 379.049 acres, with the acreage of tidal wetlands being undetermined and not stated on the plat. In 1993, it appears that four development rights were utilized in the Critical Area. Based on information gaps in the property's subdivision history, Commission staff requests further supporting documentation in order to evaluate the ability of the applicant to further subdivide as proposed. Specifically, please have the applicant provide information which addresses the following:
 - The 1993 subdivision plat did not specify the acreage of State and privately-owned tidal wetlands. These areas must be delineated in the field and any State-owned deducted from the property acreage. Please have the appliance submit a wetland delineation report, along with the name of the delineator, the date of the delineation, and the methods that were used to determine the boundary between private and State-owned wetlands. Please note, a determination of State versus privately-owned wetlands cannot be made based on maps.

- Based on the delineation results, the applicant should revise the plat to include a development rights summary table which describes property acreages, tidal wetland acreages, and assigns development rights to each proposed lot. This summary must include the effect of the administrative subdivision of the Davidson-Weldon property adjacent which appears to be proposing to subdivide a portion and use RCA development rights of the subject.
2. COMAR 27.01.09.01.C(6) requires that when agricultural use of lands within the Buffer ceases and the lands are converted to another use, the Buffer shall be established. This office recommends that the plantings to establish the Buffer be required prior to subdivision approval, so as to not pass this requirement onto the individual lot purchasers. If they are not, then a plat note shall be added stating that under the Code of Maryland Regulations (COMAR) 27.01.09.01.C(6), the 100 foot Buffer shall be established when development is proposed for these lots.
 3. The impervious surface plat notes should be updated to refer to lot coverage and include required site features in the calculation, and must be based on the accurate lot areas as confirmed by the wetland delineation (see #1 above).
 4. Please have the applicant submit documentation in the form of a letter from the Maryland Environmental Trust (MET) that the plat note addressing the MET easement requirements is adequate and that the proposed subdivision does not conflict with the easement held by MET on this property.
 5. The applicant may utilize the County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that the subdivision plat contains information regarding existing and proposed lot coverage. Section 8, Ch. 119, 2008 Laws of Maryland at 765, contains provisions in regard to the lot coverage requirements of Natural Resources Article §8-1808.3 which may be applicable to this subdivision. Under these provisions, a development project whose initial application for development that satisfies all local requirements was filed by October 1, 2008 and whose development plan is approved (recorded) by July 1, 2010 may utilize the County's approved impervious surface area limitations in effect prior to July 1, 2008 provided that;
 - a) The approved development plan remains valid in accordance with the County's procedures and requirements; and
 - b) By July 1, 2010, the applicant prepares a detailed lot coverage plan drawn to scale and showing the amounts of impervious surface area, partially pervious area, and developed pervious surface area in the development project.

In addition to (a) and (b) above, Section 8, Ch. 119, 2008 Laws of Maryland at 765 requires the lot coverage plan to be approved by the County and implemented in accordance with the approved lot coverage plan. Should the applicant intend to develop this subdivision in accordance with the County's impervious surface area limitations,

please indicate that intent and ensure that the applicant is aware of the requirements of Chapter 119 of the 2008 Laws of Maryland for proceeding as such.

Thank you for the opportunity to comment. Please submit a copy of the revised subdivision plan to this office when it is available. Please call me with any questions: (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 293-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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October 15, 2008

Jeff Thompson
MDE Wetlands and waterways program
1800 Washington Boulevard, Suite 430
Baltimore, MD 21230

**Re: 200862627/08-NT-0216; Aircraft prototype facility
Naval Air Station Patuxent River**

Dear Mr. Thompson:

This office has received information regarding the above referenced project. Based on our review of GIS resources, it appears a portion of this project may be located within the Critical Area. Therefore, this proposed federal action requires review by the Critical Area Commission staff for consistency of federal action with the State Coastal Zone Management Program. The project appears to include clearing and construction of multiple new buildings, parking areas and a stormwater pond. It does not appear that the project will impact the Critical Area Buffer.

The applicant should submit a more detailed site plan to this office for comment prior to issuance of the nontidal wetland permit.

Thank you for the opportunity to provide comments on this project. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: Elder Ghigiarelli, MDE

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 15, 2008

Ms. Brandy Glenn
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: 08-131-030 – Buzz's Marina LLC

Dear Ms. Glenn:

Thank you for submitting the plan for the above referenced marina for comment. The site is an existing marina located within the Resource Conservation Area (RCA) and the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. It is not entirely clear what the applicant is proposing at this time; however, it appears that there are several electrical and water facilities for vehicular campers located within the 100 foot Buffer within the LDA portion of the site. If the hookups and the campers currently on the site are not grandfathered in respect to the Critical Area Law, and no variance has been approved under County Code section 22.5, then the hookups and the campers placed in the Buffer should be addressed as a violation and compliance procedures should be followed.

Please note the enforcement requirements of the Critical Area 2008 legislation. Specifically, the County should first confirm whether the site is in violation. If a violation is found to exist, the 2008 legislation requires the County to officially cite the responsible party with a violation notice, to collect fines and to ensure that the violation has been abated through site restoration or mitigation plantings, before any permit or other approvals are issued.

Thank you for the opportunity to provide comments. If you have any question, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resource Planner

cc: SM 537-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 15, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 03-04-05-0003-C, Southeast Creek, LLC Amendment #1

Dear Mr. Hall:

I have received a letter and supporting documentation from your office regarding our concern for what appeared to be recent clearing in the Buffer at the Southeast Creek LLC subdivision site. The letter states that there has been historic practice of mowing to control ground cover for water access within the Buffer at the site. The area in question is within the Critical Area Buffer and falls under the regulations of County Code § 14:1-51 and COMAR 27.01.09 which states that clearing of natural vegetation is not permitted in the Buffer. While it is the opinion of Critical Area staff that the cleared area included evidence that shrubs and other significant understory vegetation providing water quality and wildlife habitat benefits were removed, the County has determined that no violation has occurred.

The Code of Maryland Regulations 27.01.09.01.C(6) requires that when agricultural use of lands within the Buffer ceases and the lands are converted to another use, the Buffer shall be established. Therefore, the Buffer for Lot 3 is required to be fully established at this time. Please advise Southeast LLC and the Contract Purchasers that a Buffer Management Plan is required demonstrating a fully planted Buffer. If a community pier is included as part of this subdivision then the applicant may not also maintain their floating pier. If individual piers are allowed then access to the pier must be included with the Buffer Management Plan. Please submit a copy of the Buffer Management Plan to this office for review.

Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 376-08

CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Mostafa Izadi, Department of General Services

From: Marshall Johnson

Date: October 16, 2008

Subject: DGS Project No. P-065-080-010, BFM #08019/ DP-8
Administration Building Expansion - Point Lookout State Park

I have received plans for the DGS Project Administration Building Expansion - Point Lookout State Park project for review and comment. The building for which the work is proposed is not in the Critical Area. This office has no comment regarding the project.

Thank you for your continued coordination of activities on Department lands. Please continue to forward any proposed activities on Department lands to Commission staff for review. Feel free to contact me at (410) 260-3479 if you have any questions, or require additional information.

CC: Andy Hanas, Area II Chief Engineer, DNR

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

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Executive Director

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October 16, 2008

April Stehr
MDE - Water Management Administration
Nontidal Wetlands & Waterways Division
201 Baptist Street
Salisbury, MD 21801

**RE: 200862970/08-WL-1666, PEPCO power poles
Grasonville-Stevensville substations, Queen Anne's County**

Dear Ms. Stehr:

Thank you for providing information on the above referenced application. The applicant has proposed to emplace three new power poles and replace 10 exiting ones. Most appear to be below mean high water and would be regulated by MDE. However, if there is work landward of mean high water or tidal wetlands for a portion of this project, Critical Area program requirements must be addressed, including minimization and mitigation for impacts to the Critical Area Buffer. The applicant should contact this office if work for this project will occur above mean high water or landward of tidal wetlands.

If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

CRITICAL AREA COMMISSION
1804 West Street, Suite 100
Annapolis, Maryland 21401

MEMORANDUM

To: Butch Norden, DNR

From: Marshall Johnson

Date: October 16, 2008

Subject: Greenwell SP, New Loafing Sheds (2008-DNR-212)

I have received information and plans for the proposed new horse loafing sheds at Greenwell State Park. The proposed sheds are in the Critical Area. The structures will not be placed within the 100-foot Buffer, and it appears that no vegetation clearing is proposed as they will be placed in existing horse pasture areas. However, regardless of the shed design, the lot coverage created by the roof of the proposed sheds results in the project requiring Critical Area Commission review under Code of Maryland Regulations (COMAR) 27.02.05. The design of the sheds should be selected by the park manager to be the design most appropriate for the facility.

Please submit a copy of the comments from the DNR internal review to me by October 22nd in order to be scheduled for the December 3rd Commission meeting. Contact me at (410) 260-3479 if you have any questions.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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October 16, 2008

Ms. Allison Dungan
Planning & Codes Administration
Caroline County
403 S. 7th Street, Suite 210
Denton, MD 21629-1335

**Re: Tree cutting at Hidden Woods Road, Caroline County
Map 18, Parcel 225, Lot 1 – lands of Robert M. Thomas**

Dear Ms. Dungan:

I have received a site plan and information from Mr. Thomas regarding the trees cut on this forested property. As we previously discussed, the site is within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area and is also Forest Interior Dwelling Species (FIDS) habitat. Examination of aerial photographs of the site indicate that prior to the tree cutting, there was a clearing at this location which results in FIDS edge habitat. As stated in my previous letter, the cutting of these trees was a violation of the Critical Area law. Specifically, the tree cutting by Mr. Thomas was a violation of COMAR 27.01.02.04.C(5), which also requires that trees cut without the required permit must be replaced at a 3:1 ratio of the aerial extent. In addition, the tree cutting was a violation of COMAR 27.01.09 which requires conservation of FIDS habitat because it is a Habitat Protection Area in the Critical Area. The County must take enforcement action to officially cite the property owner for the violation. A permit for a development activity on this property may not be issued until the fee has been paid and mitigation is in place.

Because there was existing edge FIDS habitat where the trees were cut, the mitigation required for the loss of FIDS habitat must equal the direct impact, which is the aerial extent of the forest cleared. Based on the materials submitted by Mr. Thomas the area cleared by the trees cut is approximately 15,000 square feet (he may either accept this figure, or provide evidence of an otherwise calculated area). If Mr. Thomas wishes to use his property for the mitigation, then trees must be planted in the clearing at the site to

equal 15,000 square feet using one of the recommended planting densities below (based on the Code of Maryland Regulations for Forest Conservation 08.19.04.05). The reforestation area should be comprised predominantly of hardwoods so that at the time of canopy closure at least 75% of the canopy tree species are locally native hardwoods.

<i>Size</i>	<i>Number Required Per Acre</i>	<i>Approximate Spacing Feet on Center</i>	<i>Survivability Requirement At the End of the Second Growing Season</i>
Bare Root Seedlings or Whips	700	8 x 8	55%
Container Grown Seedling Tubes (Minimum Cavity Width 1.5")	450	10 x 10	65%
Container Grown 1, 2, 3 Gallon	350	12 x 12	75%
Container Grown 5, 7 Gallon or 1" Caliper B & B	200	15 x 15	85%
Container Grown 15, 25 Gallon or 1.5 - 2" Caliper B & B	100	20 x 20	100%

Because it requires that trees cut without the required permit must be replaced at a 3:1 ratio of the aerial extent, the mitigation required under COMAR 27.01.02.04.C(5) is 45,000 square feet of mitigation in the form of forest planting. Again, the density and stock sizes from the table above should be used to calculate the required number of trees. The trees should be planted on the site within the exiting forest clearing to the extent possible, and the remainder can be provided through fee in lieu if allowed by the County. These plantings are not in addition to those required for FIDS mitigation discussed above. The FIDS mitigation may be counted towards this mitigation requirement. However, please note that none of the FIDS mitigation portion can be met by the fee in lieu.

The mitigation planted on site can be a combination of different stock sizes/densities based on what makes most sense for the site conditions to maximize survivability. Using larger stock is highly recommended to help ensure survivability and to speed the recovery of the lost habitat value. For this project, one of the larger container grown options is preferable.

Finally, please note that for restoration or mitigation that exceeds 1,000 square feet or involves expenses exceeding \$1,000, COMAR requires that the local authority shall collect a bond or other financial security or adopt appropriate procedures to ensure that the restoration or mitigation is properly completed. Some form of bonding assurance

Letter to Alison Dungan
October 16, 2008
Page 3 of 3

mechanism is highly recommended for the County to ensure that the mitigation achieves the survivability requirements (see table above).

Thank you for the opportunity to review this situation. If you have any comments or questions please contact me directly at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
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October 17, 2008

Chris Pajak
MDE - Water Management Administration
Nontidal Wetlands & Waterways Division
201 Baptist Street
Salisbury, MD 21801

**RE: Chesapeake Exploration Center Bridge and Boardwalk Project
Ferry Point, Queen Anne's County**

Dear Mr. Pajak:

Thank you for providing information on the above referenced application. The Queen Anne's County Parks and Recreation Department has also submitted information to me for a series of trails and other public access facilities at this site. I have commented on that material to the County (my letter to the County is attached). Based on the information submitted, the bridge and boardwalks appear to be outside of the Critical Area Buffer except where they approach the upland portions of the site. The access to the boardwalk and bridge through the Buffer is permitted under County Code provisions for riparian access of water oriented public recreation. Provided the permitted boardwalks are the minimum necessary and the appropriate mitigation is provided, this office has no further concerns on this application.

If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 17, 2008

Mr. Bob McGrory
Town of Centreville
101 Lawyer's Row
Centreville, MD 21617

Re: Town of Centreville, Chester Avenue renovations and stormwater pond/wetland

Dear Mr. McGrory:

I have received updated plans for the Chester Avenue Road renovation and associated stormwater pocket wetland at the Corsica River in the Town of Centreville. The site is within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area, and is designated as a Buffer Exempt Area (BEA). The location of the proposed stormwater facility has been removed from the 25-foot setback in order to be consistent with the Town Critical Area Program. However, the proposed mitigation plan does not meet the Town Code Section 1-125(e) which requires mitigation that is twice the area of development activity within the 100 foot Buffer.

Based on the disturbance area of 4,803 shown on the revised plan, 9,606 square feet of mitigation is required. The submitted plan shows seven tree/shrub clusters and 30 additional shrubs for a mitigation credit of 4,300 square feet. The remaining mitigation must be provided and located within the Buffer on site to the extent possible. The herbaceous plants do not provide mitigation credit for this project. In order to proceed with the consistency determination, please complete the attached form and submit a revised mitigation plan.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

Enclosure: Planting Plan Agreement form

cc: Gerald Hayes, URS

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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October 17, 2008

Angela Willis, Environmental Analyst
State Highway Administration
Office of Planning and Preliminary Engineering
707 North Calvert Street
Baltimore, MD 21202

RE: MD 5 Drainage Improvements, St Mary's County

Dear Ms. Willis,

I have received notification of a proposed drainage maintenance project by SHA. The information submitted indicates that the project will meet the MOU between MDOT and the Critical Area Commission, Exhibit B1 3.b for maintenance projects for minor drainage improvements. Please be aware that under the MOU the project must still meet General Conditions section A, including minimizing impact to the Critical Area 100 foot Buffer and application of sediment and erosion control measures. Also please note that section C (Conditions for Routine Bridge and Culvert Replacement) must be met if the culvert is to be replaced. Given the comments above, as long as the project meets section 3.b (and section C if necessary) and runoff quality does not decrease and quantity does not increase, I concur that the project meets the MOU. Should the scope of the project change it should be resubmitted to this office for review.

Thank you for submitting information on this project. If you have any question, please do not hesitate to contact me at (410)260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to be 'M. Johnson'.

Marshall Johnson
Natural Resources Planner

cc: DOT 49-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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October 17, 2008

Gene Palmatary
Queen Anne's County
Office of Planning and Zoning
160 Coursevall Drive
Centreville, Maryland 21617

**RE: SWM pond adjacent to Thompson Creek near Blue Jay Court
Kent Island, Queen Anne's County**

Dear Mr. Palmatary:

I have received information about the need to cut trees that have grown on an older stormwater management pond due to lack of maintenance at the above referenced location. The stormwater pond facility was apparently approved over 20 years ago and is within the Critical Area 100-foot Buffer of Thompson Creek. I have corresponded with Vijay Kulkarni of the County DPW regarding the need to cut the trees to preserve the functionality of the stormwater facility. Based on the information he provided I informed him that the Critical Area Commission office does not oppose cutting the trees for that purpose.

I would like to meet with the County DPW and you or other appropriate County staff to discuss the applicability of County Critical Area Program requirements for mitigation when lack of facility maintenance results in vegetation growth that qualifies as forest or woodlot. It appears that there are cases where this situation would result in a 1:1 mitigation requirement. Mr. Kulkarni has informed me that he will be contacting me to set up a meeting. If you have any questions, please call me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: Vijay Kulkarni, QAC DPW

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 17, 2008

Brandy Glenn
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: 08-110-00056, Sanctuary at Camp Winslow Subdivision

Dear Ms. Glenn:

Thank you for providing information on the above referenced subdivision proposal. The site is located within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The applicant proposes to create three lots on this site which has 77.44 acres within the RCA and appears to be completely forested and currently undeveloped.

1. Under Chapter 119, 2008 Laws of Maryland at 765, this subdivision must provide a minimum 200-foot Critical Area Buffer. Please have the applicant revise the plan to reflect the 200-foot Buffer. The Buffer must be expanded to include contiguous steep slopes, hydric soils whose development or disturbance may impact streams, wetlands or other aquatic environments, and highly erodible soils. The wetlands or hydric soils on the site may require expansion of the Buffer. This office opposes the creation of new lots that do not have adequate area to develop a reasonable house and associated amenities outside of the Buffer.
2. Please note that this office recommends that the new SRA locations should be located as far from the Buffer as possible to minimize impacts to water quality.
3. Under Section 8, Ch. 119, 2008 Laws of Maryland at 765, lot coverage requirements of Natural Resources Article §8-1808.3 are applicable to this subdivision. A note should be on the plat stating the allowable lot coverage for each of the proposed lots.
4. The tidal and nontidal wetlands at the site must be professionally delineated in the field, and any State-owned deducted from the property acreage. Please have the applicant submit a wetland delineation report, along with the name of the

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delineator, the date of the delineation, and the methods that were used to determine the boundary between private and State-owned wetlands. Please note that a determination of State versus privately-owned wetlands cannot be made based on maps. The State owned wetlands must be subtracted from the overall RCA acreage for the property in order to calculate the allowable density.

5. Critical Area Note # 15 on the plat submitted is not correct. Our records indicate that this site is within a Sensitive Species Project Review Area, Forest Interior Dwelling Species (FIDS) habitat and is adjacent to a Wetland of Special State Concern. Please have the applicant submit a copy of a letter from the Wildlife and Heritage Services at DNR addressing the presence of sensitive species and the wetlands on this site that may require additional conservation measures. The FIDS habitat on this site is a habitat protection area, for which there are additional requirements under the Critical Area Law. Please have the applicant address the requirements for impacts proposed to FIDS habitat as described in the June 2000 FIDS guidance manual and submit a completed FIDS conservation worksheet (appendix D of the manual). The guidelines in the FIDS manual and any provided by DNR must be addressed by the applicant in a Habitat Management Plan and show on the subdivision plans that they will be met by future development activity on this site.
6. Forest clearing must be mitigated at 1:1 provided it is less than 20%, and at 1.5:1 if it is between 20%-30%. The plat should include the area of the proposed clearing to establish compliance with these requirements. We recommend any necessary forest mitigation be provided at the time of subdivision.

Thank you for the opportunity to provide comments. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: SM 590-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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October 17, 2008

Mr. Bruce Young
St. Mary's Soil Conservation District
P O Box 810
Leonardtown, MD 20650

Re: Bank stabilization on Harpers and Pearsons Creeks at Patuxent River naval air Station

Dear Mr. Young:

Thank you for providing information on the above-referenced project, which will occur at Patuxent River naval air Station. This proposed activity on federal property has been reviewed by the Critical Area Commission staff in relation to consistency of federal action with the State Coastal Zone Management Program. Based on the information submitted, the project will use low impact methods to stabilize eroding banks where there are cultural resources along Harpers and Pearsons Creeks, and the project will not require grading above mean high water or removal of vegetation. Therefore no mitigation is necessary and there are no additional requirements for the consistency with the Critical Area regulations.

If you have any questions, please contact me at (410) 260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson", written over a horizontal line.

Marshall Johnson
Natural Resource Planner

cc: Elder Ghigiarelli, MDE

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 21, 2008

Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 04-08-10-0004-C, Scheminant Properties, LLC commercial site plan

Dear Ms. Jackson:

Thank you for providing resubmitted information on the above referenced project. This site is partially within the Critical Area. However, the applicant is proposing new development completely outside of the Critical Area portion of the site. This office has no comments.

Thank you for the opportunity to comment. Please contact me if you have any questions at (410) 260-3479.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 715-03

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 21, 2008

Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: MISP# 04-08-10-0003-C, Willis and Lee Ventures Site Plan

Dear Mr. Hall:

Thank you for providing plans for the above referenced project site plan. The lot is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area and is developed with an existing commercial building, parking lot and trailer. The applicant proposes to retain the existing commercial building, remove the trailer and redevelop the site with new commercial building, parking lot and stormwater facilities. This office has the following comment on the resubmitted material.

1. The stormwater management 10% pollution reduction calculations and supporting information state that grass channel credit will be used, and that there is no pollutant removal requirement. MDE currently recommends that the grass channels be used for linear imperviousness only and that the length of a qualifying channel be proportional (or 1:1) to the length of the contributing imperviousness (enclosed). If grass channels are used to treat blocks of imperviousness (e.g., parking lots, buildings) then the maximum contributing length of imperviousness shall be 75 feet or less, maximum imperviousness to a single discharge point shall be 1,000 square feet or less, and the grass channel length must be greater than the contributing length. Please address these issues in relation to the use of grass channels on this project and revise the stormwater management plans as necessary. A copy of the revised 10% calculations should be submitted with the revised plans.

Letter to Mr. Hall
October 21, 2008
Page 2 of 2

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 585-08

enclosure: MDE letter on Grass Channel Credit Implementation

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 21, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: File #05-08-08-0010-C; Nesbit & Cooper Subdivision
Tax Map 58 Parcels 820, 819

Dear Ms. Jackson:

Thank you for submitting the above referenced subdivision for review and comment. The applicant is seeking to create a 3-lot subdivision, partially located in the Resource Conservation Area (RCA). The RCA portion of the property totals 6.488 acres and will be included in Lot 1, which totals 14.67 acres.

I recommend Note #4 be revised to also state that the RCA portion of Lot 1 is restricted to one development right and may not be further subdivided.

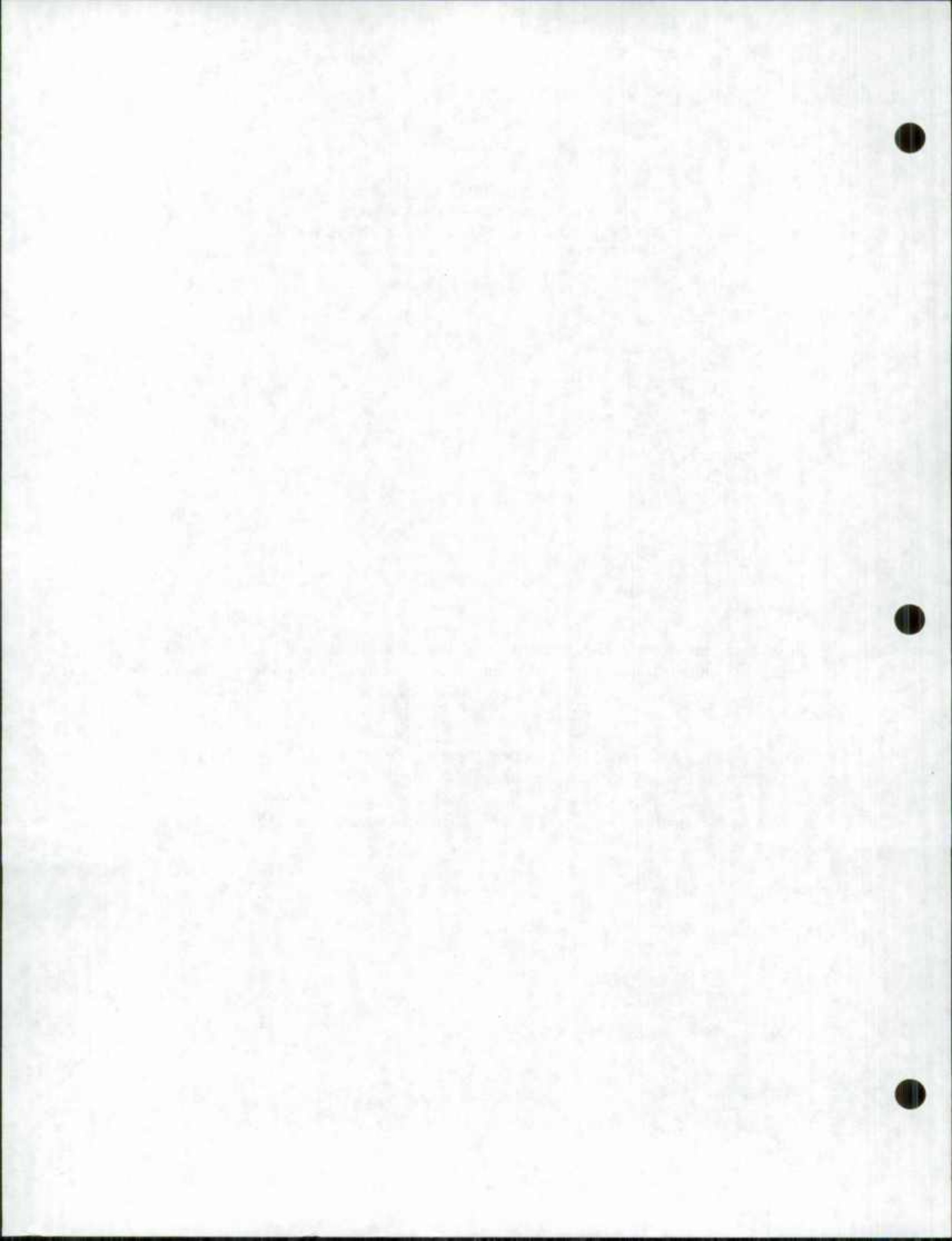
Thank you for the opportunity to provide comment. Please contact me at (410) 260-3475 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resource Planner

cc: QC 507-08



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 21, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, MD 21617

**Re: Bay East Development Corporation
#CP #04-05-07-0005-C**

Dear Mr. Hall:

Thank you for forwarding revised plans and information on the above referenced concept plan. The applicant proposes to create a multiuse development on a 7.934 acre site that is located in the Intensely Developed Area and in a Buffer Exemption Area. Please see the comments below.

1. Queen Anne's County Code section 14:1-53.E (1)(a) requires that the extent of the lot or parcel shoreward of the development shall be required to be established in natural vegetation on this site. In order to meet this requirement, the area of the 50 foot setback must be planted with native vegetation. Section 14:1-53.E (1)(b) requires that natural vegetation of an area twice the extent of the impervious surface must be created on the property or other similar location approved by the Planning Director. The plans indicate that 1.017 acres of new impervious surface will result from the proposal. Therefore, in addition to planting the 50-foot setback, 2.034 acres of mitigation is required. Please address how the mitigation requirement will be met.
2. The figures on the 10% pollutant removal requirement worksheet submitted do not match the impervious surface figures on the plans. Please revise the worksheet and submit it to

Letter to Frank Hall
October 21, 2008
Page 2 of 2

ensure that the pollutant removal measures are appropriately incorporated into the design of the site at this concept stage.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: QC 471-05

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 24, 2008

Jennifer Jackson
Queen Anne's County
Department of Land Use Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 07-07-08-0014, Libersky Subdivision
711 Double Creek Rd, Chestertown**

Dear Ms. Jackson:

Thank you for providing updated information and plans on the above referenced subdivision proposal. The applicant proposes to subdivide an existing lot partially located in the Resource Conservation Area (RCA) into three lots. This office has the following comment.

1. The letter from this office dated June 6, 2008 stated that a permanent easement must be used to prohibit development of any kind (including pier) is prohibited on the RCA portion of proposed Lot 1. A plat note was placed on the plat; however, a mechanism to this effect such as an easement must be created and recorded. The note on the plat should reference that easement document. Please have the applicant submit a copy of the easement and revised plat when available.

Thank you for the opportunity to comment on this proposed subdivision. Please contact me if you have any questions at (410) 260-3479.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 520-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 24, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

**RE: File #04-08-04-0009-C
Cloisters on Kent Island**

Dear Ms. Tompkins:

Thank you for providing plans for the above referenced development project. The applicant's narrative from previous submittals states that all proposed development lies entirely in the non-Critical Area Portion of the site. The current plat plan shows the Critical Area RCA portion of the site labeled as "Open Space, Stormwater Management & Community Parcel 1." The RCA land on this site can not be used for stormwater management to support development outside of the RCA. While discharge to a natural drainage outside of the RCA which flows naturally into the wetlands within the RCA is allowed, any development of stormwater management facilities for this project within the RCA is prohibited. Please have the applicant address this issue and remove the note about stormwater management from the plat plan. Please submit a copy of the revised plat to this office when available.

Thank you for providing the information regarding this minor subdivision. If you have any questions related to this project please feel free to call me directly at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 738-02

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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October 27, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: King's Ransom Subdivision on MD Rte. 522, Chester - 04-06-06-0004-C
Bozek / McCrone, Inc**

Dear Ms. Tompkins:

Thank you for providing the updated plan and information on the above referenced project. The applicant has revised the plan and now proposes to subdivide a property located in the Limited Development Area (LDA) into five lots. This office has the following comment.

In 2008, the Critical Area law was amended to clarify that there is no allowable percentage of lot coverage within the 100-foot Buffer. The note on Page 4 of the plat regarding development in the Buffer may be construed to have the opposite meaning. Therefore, the note regarding the Critical Area Buffer on page 4 of the plat should be revised to state: "No development activity is permitted in the Critical Area Buffer except as allowed by County Code § 14:1-51."

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to be "M. Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 724-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Ren Serey
Executive Director

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October 29, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Variance Request #05-3122; Grant house

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance application. The 1.67 acre property is within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The majority of the lot is forested and is currently undeveloped except for a pier. The entire lot is within the Buffer which has been expanded for steep slopes and highly erodible soils. The applicant is seeking a variance to disturb the Buffer for construction of a single family dwelling, porches, driveway, walkways, sanitary system and an attached garage. The applicant has requested a variance because the proposal is in conflict with the County Zoning Ordinance which prohibits development activity and new impervious surfaces in the Buffer. Provided the lot is properly grandfathered, this office does not oppose a variance to redevelop the site; however, in order to meet the standards and receive a variance the impacts must be further minimized as explained below.

1. In 2008, the Critical Area law was amended to clarify that there is no allowable percentage of lot coverage within the 100-foot Buffer. The proposed configuration would place over 8,000 square feet of new lot coverage within the expanded Buffer which is significant. In light of the above and the existing County regulations, the variance granted should be for the minimum necessary and should address the adverse environmental impact resulting on site. There appears to be significant ways to both reduce impacts at this site and offset those impacts to the highly erodible soils and steep slopes by significantly reducing the size of the dwelling, relocating the dwelling closer to the road, and providing enhanced stormwater management techniques. This office recommends the Board explore a revised configuration which reduces the size of the dwelling and its associated area of development. It is the duty of the applicant to demonstrate that they meet all of the variance standards.

2. The plan proposes discharge of stormwater from the site with two new rip rap out falls. This proposal may move water quickly off the site, but generally Commission staff finds they can increase water quality impacts. In order to ensure that the plan meets the variance standards, including that the variance granted will not adversely impact water quality and will be in harmony with the general spirit and intent of the Critical Area program, the new development should include stormwater management design elements which increase benefits to water quality from the stormwater leaving the site. For example, one possible technique may be to disperse the stormwater throughout the wooded Buffer which would reduce the velocity of the stormwater discharge and provide additional water quality benefits. We recommend the Board require an alternatives analysis showing that the chosen stormwater management methods are those that minimize impacts of the development to the resources and functional values of the site.
3. Per Section 24.4.2 of the St. Mary's County Comprehensive Zoning Ordinance, the applicant should provide additional mitigation in the form of Buffer plantings at a ratio of 3:1 for the area of disturbance.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SM 618-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
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October 29, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: MISP# 04-08-06-0002-C, Commercial Shopping Center - Kent Island Crossing

Dear Ms. Tompkins:

Thank you for providing revised plans and updated information for the above referenced project site plan. The lot is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area, based on the growth allocation that was approved on this site. The applicant proposes to redevelop the site with new commercial development. This office has the following comment on the resubmitted material.

The Critical Area Commission growth allocation approval of August 25, 2005 included a condition that the applicant shall obtain necessary approvals from MDE for the stormwater outfall prior to final site plan approval. Documentation that this condition has been met has still not been provided. The applicant's consultant has stated that MDE has been contacted in order to verify whether a permit is required. Please note that ultimately it is the County's responsibility to provide documentation to this office that conditions of approval for growth allocation requested by the County have been met. If a permit is required please provide a copy for our files. If a permit is not required, please provide the appropriate documentation.

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Marshall Johnson'.

Marshall Johnson
Natural Resources Planner

cc: QC 962-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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October 29, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Variance Request #06-0696; Hess house

Dear Ms. Chaillet:

Thank you for providing information on the above referenced variance application. The 6,673 sq ft property is within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The majority of the lot is forested and is currently undeveloped except for a 1,171 sq ft paved driveway accessing an adjacent property. The entire lot is within the Buffer which has been expanded for hydric soils because there is a nontidal wetland on the site. The applicant is seeking a variance to disturb the Buffer for construction of a single family dwelling, porches, driveway, walkway, and an attached garage. The plan states that no trees will be removed. The County has stated that the proposed development will also require a variance to exceed the lot coverage limit by 155 square feet for the site. Provided the lot is properly grandfathered, this office does not oppose variances to redevelop the site; however, in order to meet the standards and receive any variance the impacts should be the minimum necessary.

1. The proposed configuration would place 996 square feet of new lot coverage within the expanded Buffer. In light of the existing County regulations, the variance granted should be for the minimum necessary and should address the adverse environmental impact resulting on site. The County has commented that the lot coverage limit of the site would be exceeded by a minimal amount. If this is the case, it appears that the proposal could be revised to not exceed the limit, and it is recommended that the plan be altered in that respect. The site is encumbered by an existing driveway that crosses a portion of the property. Unless portions of the drive can be removed to further reduce the lot coverage and offset the new additional lot coverage, it appears that the proposal has already minimized the lot coverage.

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2. The plan does not indicate how the stormwater will be managed. We recommend the Board require an alternatives analysis showing that the chosen stormwater management methods are those that minimize impacts of the development to the resources and functional values of the site.
3. The plan shows a disturbance area at three feet from the proposed structures. It is not reasonable to assume that disturbance for the construction (including all structures, machinery maneuvering, stockpiling and sediment fencing) will be able to occur in this area. Please have the applicant revise the disturbance area to include all area where activities listed above will occur. Per Section 24.4.2 of the St. Mary's County Comprehensive Zoning Ordinance, the applicant should provide additional mitigation in the form of Buffer plantings at a ratio of 3:1 for the area of disturbance.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SM 572-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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October 31, 2008

Justin Berezna
Maryland Department of the Environment
Water Management Administration
1800 Washington Blvd
Baltimore, MD 21230

RE: 200862092/08-WL-1385, Litty Shoreline Erosion Control

Dear Mr. Berezna,

This office has received notice of this marsh creation project for shore erosion control using a stone sill and sand fill which would be planted with wetland species. The plans appear to propose impacts within the 100-foot Critical Area Buffer which could involve removal of trees and understory vegetation. The following comments apply to the proposal.

1. In order to comply with Critical Area requirements of COMAR 27.01, all development related activity must be outside of the 100-foot Buffer, except for the minimum necessary for placement of approved shore erosion control measures at significantly eroding areas.
2. The applicant must provide a Buffer Management Plan (BMP) indicating how many trees and large shrubs will be damaged or removed in the Critical Area Buffer. Limbing should be the minimum necessary to reduce shade for the marsh vegetation to survive. If limbs are removed for this purpose higher than 1/3 of the height of the tree, mitigation at a 1:1 ratio is required for the tree. The proposed disturbance to the Buffer must meet COMAR requirements for minimizing impact and include mitigation plantings as explained in the following comments.
3. Disturbance in the Buffer, including grading and cutting trees, may be permitted only where necessary to provide one access entrance per the length permitted by St Mary's County to install or construct an approved shore erosion protection device or measure. The project must have received all necessary local, State and federal permits, including the MDE permit for the shore erosion control measure. Buffer disturbance and tree cutting will not be allowed if the applicant can not

demonstrate that the proposed Buffer impacts are necessary for the purpose of shoreline erosion control.

4. The BMP should include mitigation for the Buffer impacts. Mitigation for installation of shore erosion control works must be based on the number of trees impacted, and must be provided at a ratio of 1:1 (which is one tree planted for each tree removed). Large shrubs that are removed must be replaced as well using at least a three-gallon potted shrub. The mitigation requirement must be met with plantings that are native species and are appropriate for the location. The mitigation trees must be two-inch caliper. The mitigation must be placed in the Critical Area Buffer on the site.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me directly at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Queen Anne's County Dept of Land Use, Growth Management and Environment

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
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October 31, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: Briele Lot Line Revision
02-02-10-0007-C**

Dear Ms. Jackson,

Thank you for providing information regarding the above mentioned lot line revision request. The applicant is proposing to reconfigure lot lines of five contiguous parcels. All of the lots are within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Only one of the subject parcels is currently developed; Parcel 117 contains a house, driveway, and porches. The applicant proposes to reconfigure five existing parcels located in the Limited Development Area (LDA). Three parcels currently have frontage on the Chester River. The proposal would change the configuration of the site to create an additional parcel with frontage on the Chester River.

The Critical Area Criteria (COMAR 27.01.02.07B.2.a) and more recently, Chapter 119 of the 2008 Laws of Maryland, require local Critical Area programs to include procedures for lot consolidation and reconfiguration in order to bring certain lands into conformance with the County's Critical Area Law and Program to the extent possible. This requirement is intended, in part, to recognize that while impacts to HPAs may be unavoidable in developing individual grandfathered lots of record, opportunities exist to minimize impacts to HPAs where lots in common ownership can be combined and/or reconfigured. The new legislation also requires local jurisdictions to submit their existing lot consolidation and reconfiguration procedures to the Commission and authorizes the Commission to develop regulations on this subject. If the County does not intend to

revise its ordinance at this time to incorporate specific provisions to bring qualifying lots of record into conformance to the extent possible, then the County must make specific findings on a case-by-case basis to meet the new legislative requirement. Please provide staff with the County's findings as described above as soon as possible. The proposal should not be approved until this issue is addressed by the County.

Thank you for the opportunity to comment. Please contact me if you have any questions. My phone number is (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 607-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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CRITICAL AREA COMMISSION
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November 3, 2008

Sue Veith
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Dear Ms. Veith:

RE: Town Creek Marina

Thank you for providing information on the referenced project. The subject site is a commercial marina located in the Limited Development Area (LDA) of the Critical Area. Plans for redevelopment of the marina on this site were reviewed by this office in 2005. A new plan has been submitted to this office for comment. Based on the information submitted, it appears that there is a proposed new concrete pad for a crane. The following comments apply to the proposal.

1. Lot coverage is limited to 15 % of the parcel or lot. If the lot coverage is exceeded by the proposed concrete pad a variance or growth allocation may be required. Please provide additional information.
2. Please have the applicant address Chapter 41.7 of the St. Mary's County Comprehensive Zoning Ordinance regarding development in the County's Buffer Management Overlay area.
3. The project appears to involve the expansion of an existing marina use; however, this use and the requirements of Chapter 41.8 of the St. Mary's County Comprehensive Zoning Ordinance have not been addressed. The applicant should provide this additional information.

Letter to Ms. Veith
November 3, 2008
Page 2

Thank you for the opportunity to provide comments on this site plan. Please provide the additional information requested. It is likely that additional comments and recommendations will be submitted when these comments have been addressed. If you would like to discuss these comments, please call me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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November 6, 2008

Frank Hall
Queen Anne's County
Department Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 04-08-10-0008, Griffith

Dear Mr. Hall:

Thank you for providing information on the above referenced subdivision/lot reconfiguration. The applicant proposes to adjust the line between two parcels. The site is currently developed with a house and associated accessory structures on each parcel. The properties are within in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. No new development activities are proposed in the Critical Area under this proposal. As long as no new non-conformities are created by the line reconfiguration the Critical Area Commission office has no objection. Please note that future development will be required to meet LDA standards including the 15% lot coverage limit.

Please feel free to contact me at (410) 260-3479 if you have any questions.

Sincerely,


Marshall Johnson
Natural Resources Planner

cc: QC 625-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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November 7, 2008

Bruce M. Grey, Deputy Director
Office of Planning and Preliminary Engineering
Maryland Department of Transportation
Maryland State Highway Administration
707 N. Calvert Street
Baltimore MD 21202

RE: Phase 1A for Dualization of MD 404 between Route 50 and the MD 404 Denton Bypass

Dear Mr. Grey:

The purpose of this letter is to officially notify you of the action by the Critical Area Commission on the above referenced project. On November 5, 2008, the Critical Area Commission approved Phase 1A for Dualization of MD 404, with the following conditions.

1. Prior to the start of construction activities, the State Highway Administration shall obtain the necessary erosion and sediment control and stormwater management authorizations from the Maryland Department of the Environment and submit copies of these authorizations to Commission staff.
2. Prior to the start of construction activities, the State Highway Administration shall provide Commission staff with written confirmation from the U.S. Fish and Wildlife Service that adequate protection and/or mitigation has been provided for the endangered dwarf wedge mussel.

Should any changes to the site plan be proposed in the future, additional review and approval by the full Commission will be required. Please contact this office once mitigation plantings have been implemented in accordance with the Planting Agreement signed on October 27, 2008. If you have any questions, please feel free to contact me at 410-260-3479.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: Patricia Green, SHA
Gary Green, SHA

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 10, 2008

Vivian Swinson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: 08-05-05 Variance, Quinn house additions

Dear Ms. Swinson:

Thank you for providing information on the above referenced variance request. The site is a 6.9 acre property located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. This site is currently developed with a house and associated amenities. The applicant proposes to remove various portions of the existing development including a tar and chip parking area and portions of drive and walkways. Additions will include new portions of a gravel drive, walkways, garage, porch, and house addition. New lot coverage in the Buffer would be 452 square feet. Because Queen Anne's County Code § 14:1-51 prohibits new development activity in the Critical Area 100-foot Buffer, a variance must be sought for this project. This office does not oppose the variance. The Critical Area Commission staff has the following comments regarding the development proposal.

1. Mitigation should be required at a ratio of 3:1 for the new lot coverage that is within the 100-foot Buffer. Mitigation plantings should be a mix of native species of trees, shrubs and ground cover on the site within the Buffer and should consist of one tree (two-inch-caliper) and three shrubs (two-gallon-pots) per 400 square foot mitigation area required.
2. The proposal should minimize impacts by including stormwater management design elements where possible, which increase benefits to water quality from the stormwater leaving the site. These may include pervious paving, pervious deck construction, and other low impact development methods which are acceptable to the County. Please be aware that lot coverage limits would apply to some of these elements.
3. Any proposed gravel areas or gravel driveway will count toward lot coverage limits on this site.

Letter to Vivian Swinson
November 10, 2008
Page 2 of 2

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 634-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 10, 2008

Mr. George Mayer
Town of Federalsburg
PO Box 471
Federalsburg, MD 21632

Re: Town of Federalsburg, video of tree cutting

Dear Mr. Mayer:

As I mentioned in email to you today, I have made an exact copy of the video disk that was submitted to me by a resident of Federalsburg concerning trees cut in the Buffer. Please review the material on this disk and keep me updated on how you intend to proceed. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

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Martin O'Malley
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November 12, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 03-04-05-0003-C, Southeast Creek, LLC Amendment #1

Dear Mr. Hall:

The recent submittal and request by the applicant to place this project on the County Planning Commission agenda was forwarded to this office. My last response letter on this case dated October 15, 2008 requested information regarding establishment of the Buffer and clarification regarding piers. This request was not addressed by the materials submitted at this time.

County Code section 14:1-5 requires that the Planning Commission make findings that the proposed development or activity is consistent with the goals and objectives of the Queen Anne's County Critical area Program. The Queen Anne's County Critical area Program contains numerous policies regarding the 100-foot Buffer, including the requirement to establish the Buffer in order to provide for water quality and habitat functions. In conjunction, COMAR 27.01.09.01.C(6) requires that when agricultural use of lands cease within the Buffer, the Buffer will be established in three-tier forest vegetation to meet the functions described above. Therefore, until the applicant provides a Buffer Management Plan describing how the Buffer will be established, the Planning Commission may not make findings that the proposed subdivision is consistent with the County Program.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 376-08

TTY for the Deaf

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Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
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Ren Serey
Executive Director

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November 13, 2008

Mr. John Tabak, PE, RLS
EBA Engineering, Inc.
Seton Business Park
4813 Seton Drive
Baltimore, Maryland 21215-3209

Re: Piney Point Lighthouse Museum Site Plan
St. Mary's County Board of County Commissioners

Dear Mr. Tabak:

Thank you for submitting revised site plans and information regarding the St. Mary's County Board of County Commissioners project to redevelop the Piney Point Lighthouse Museum. I have reviewed the project for consistency with the St. Mary's County Critical Area Program. As previously indicated by my office, this project will require Conditional Approval by the Critical Area Commission under COMAR 27.02.06. Additional information is needed to address some of the issues listed in the previous letter from this office before the project can be scheduled for presentation to the Critical Area Commission. I would like to make a site visit to see this site with Sue Veith (of St. Mary's County) present, and will be in touch soon to set a date. The following outstanding issues should be addressed:

1. There are errors in the submitted worksheet for 10% calculations. For example, it appears that in Step 2-B and Step 3-A the Load calculations were not multiplied by the regional constant/conversion factor of 8.16. The removal requirement is greater than shown. Also, the BMP_{RE} in Step 5 should be a fraction (0.5). Please correct and revise the worksheet.
2. Reducing the depth of the soil layer reduces the efficiency of the bioretention BMP, therefore a 50% removal efficiency rate is no longer applicable. Please provide details regarding how the modified bioretention facility meets the standard design requirements as depicted in the 10% Rule guidance manual.
3. The plantings used for best management practices in the parking areas can not be used to meet Buffer mitigation requirements. The mitigation plantings for impacts to the Buffer

must be located in the Buffer on site to the extent possible. It appears that there is adequate area on the site in the Buffer to accommodate the plantings. Please submit a revised mitigation planting plan that does not count the plantings in the stormwater management facilities. In addition, please show the location of the separate mitigation plantings (59 trees and 75 shrubs) which were required for the 2004 Critical Area Commission approval of the addition to the metal building on this site.

4. The letter from the Maryland Historic Trust, states that they have not reviewed or approved the proposed sidewalks, parking areas and a pavilion. These elements are significant portions of the current proposal for the Critical Area Commission review. An updated letter from the Maryland Historic Trust addressing these parts of the plan is required prior to scheduling this project with the Commission.
5. The notes on page CO of the plans state that no stormwater management is required for the property. Please revise or remove the note, as stormwater treatment is required for the 10% stormwater pollution reduction requirement which applies to this site. The Critical Area note #7 on this page states that there are no forested areas or existing trees on the site. Please correct this note. Note #8 states that existing impervious is 48,111 and #12 states that proposed new impervious surface is 16,681 whereas the table on Sheet CA states different amount for these figures. Please correct this discrepancy.

Thank you for your continued assistance regarding this project. If you have any questions regarding my comments please feel free to contact me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SM 226-04
Sue Veith, St. Mary's County Land Use and Growth Management

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 14, 2008

Vivian Swinson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: 08-05-06 Hawkes Variance, 1417 Calvert Road

Dear Ms. Swinson:

Thank you for providing information on the above referenced variance request. The site is a residential lot located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area and is within a designated Buffer Exempt Area (BEA). This site is currently developed with a house and driveway and the property is nearly entirely within the Buffer. The applicant proposes to construct a screen porch and deck addition onto the waterfront side of the existing single family dwelling. Under County Code § 14:1-53 the proposal requires a variance.

Provided that the subject lot is properly grandfathered, this office does not oppose the variance. However, to the extent possible, impacts to habitat and water quality should be minimized. The Critical Area Commission staff has the following comments regarding the development proposal.

1. The Critical Area Buffer is not shown correctly on the site plan submitted. Please have the applicant submit an accurate site plan, with the Buffer location as required by COMAR and the County Code sections 14:1-51 and 1-11.
2. Mitigation should be required at a ratio of 3:1 for the new lot coverage that is within the 100-foot Buffer. Mitigation plantings should be a mix of native species of trees and shrubs on the site within the Buffer and should consist of one tree (two-inch-caliper) and three shrubs (two-gallon-pots) per 400 square foot mitigation area required. The mitigation should be provided in the Buffer on site to the extent possible.
3. As required under County Code § 14:1-38.D(6), when forest on the site totals less than 15% of the site area, additional forested areas shall be established so that at least 15% of the site area is in forest cover. The location of the afforested area shall be designed to protect habitats or to provide continuity with forested areas on adjacent sites. The 15% afforestation requirement

should be met with plantings located in the Buffer. The mitigation planting for impacts to the Buffer can count toward this requirement.

4. The proposal should minimize impacts by including stormwater management design elements which increase benefits to water quality from the stormwater leaving the site to the extent practicable. These may include pervious deck construction, and other low impact development methods which are acceptable to the County.
5. Lot coverage limits apply to this site (Chapter 119 of the 2008 Laws of Maryland). Please have the applicant address the lot coverage limit by providing an accurate survey of the lot area above mean high water and accurate calculations of existing and proposed lot coverage.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 633-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
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November 14, 2008

Vivian Swinzon
Queen Anne's County Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

**RE: V-100010, garage setback variance
1752 Harbor Dr, Chester**

Dear Ms. Swinson:

Thank you for providing information on the above referenced variance request. The lot is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The property is currently developed with a single family dwelling, driveway, pool, porch and sunroom. The applicant proposes to construct a new attached garage on the site and is requesting a variance allow the garage to extend partially into the building setback. The setback in question is not a Critical Area requirement; therefore, this office has no comment regarding the request for a setback variance. The Critical Area Commission staff has the following comment regarding the proposed project.

1. Lot coverage limits apply to this site (Chapter 119 of the 2008 Laws of Maryland). Please have the applicant address the lot coverage limit by providing an accurate calculation of the lot area and documenting whether the limit is met by the proposal. If the proposal does not meet the lot coverage limit, a separate variance will be required and any application should be submitted to this office for review and comment.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

Marshall Johnson
Natural Resources Planner

QC 637-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 17, 2008

Ronald and Juanita Linkous
37211 Gibson Rd
Bushwood, MD 20618

RE: Rosada BOA hearing

Dear Mr. Linkous:

Thank you for copying this office with our letter expressing concern about the information presented to the St. Mary's Board of Appeals Hearing (VAAP #7-3039). Although we share your concern for the need to have correct information presented at County hearings, this office does not regulate piers or the lateral line buffer requirements for their construction. The County and the Maryland Department of the Environment regulate piers through their permitting processes. I encourage you to contact these agencies with your concerns if you have not already done so. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 19, 2008

Reggie Graves
MDE - Water Management Administration
Water Management Administration
1800 Washington Blvd
Baltimore, MD 21230

**RE: 200864034/09-WL-0325 – Ferry Point, Queen Anne's County
Chesapeake Exploration Center Bridge and Boardwalk Project**

Dear Mr. Graves:

Thank you for providing information on the above referenced application. The Queen Anne's County Parks and Recreation Department has also submitted information to me for a series of trails and other public access facilities at this site. I have commented on that material to the County (my letter to the County is attached). Based on the information submitted, the bridge and boardwalks appear to be outside of the Critical Area Buffer except where they approach the upland portions of the site. The access to the boardwalk and bridge through the Buffer is permitted under County Code provisions for riparian access of water oriented public recreation. Once this permit is issued, the County must submit a Consistency Report for review and concurrence or receive approval from the Commission for the project. Provided the permitted boardwalks are the minimum necessary and the appropriate mitigation is provided, this office has no further concerns on this application.

If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 19, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: King's Ransom Subdivision on MD Rte. 522, Chester - 04-06-06-0004-C
Bozek / McCrone, Inc**

Dear Ms. Tompkins:

Thank you for providing the updated plan on the above referenced project. The applicant has revised the note as requested in my previous letter. This office has no further comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 724-04

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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November 20, 2008

Martha Herman
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: CP 05-08-07-0012, Fisherman's Village Concept Site Plan

Dear Ms. Tompkins:

I have received a copy of updated plans and a letter from the applicant requesting review and findings from the County on this project proposal. The site is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area and is within a Buffer Exempt Area (BEA). The plans indicate that the applicant proposes to redevelop the site with new commercial buildings, boardwalk and associated parking and facilities. The following comments apply to the information on the submitted plan.

1. Please submit a copy of the findings to address § 14:1-53 as requested by the applicant and my office in the previous letter. This project must meet all applicable requirements under County Code § 14:1-53 (Specific provisions for Buffer exempted areas).
2. County Code § 14:1-53.E (Buffer Mitigation) requires mitigation for an approved development in the Buffer exemption area. Please address the requirements of this section for mitigation.
3. If the applicant has contacted the Wildlife and Heritage Service with DNR to determine whether there are any necessary conservation measures related to

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sensitive species for development at this site, please have the applicant submit a copy of the letter to this office.

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 455-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 20, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 003-07-08-0012-C, Minor Subdivision Revision for Reed Creek LLC
405 Wrights Neck Road, Centerville**

Dear Ms. Jackson:

Thank you for providing information on the above referenced revision to this minor subdivision. The applicant proposes to change the subdivision proposal to extend the proposed lots out to Writes Neck Road so that they each have separate direct access. The site is located in the Resource Conservation Area (RCA). Please see my comments below.

1. The applicant has submitted a Buffer afforestation plan that appears to propose establishment of only a portion of the Buffer. The County Code section 14:1-5 and COMAR 27.01.09.01.C(6) require establishment of the entire Buffer. Please have the applicant revise the plan to meet these requirements. Until the applicant provides a Buffer Management Plan describing how the Buffer will be established, the Planning Commission may not make findings that the proposed subdivision is consistent with the County Program. Please revised the "objective" section on the plan sheet 9 of 9 accordingly.
2. While it is not clear whether the site supports Delmarva fox squirrel habitat, the applicant states that no clearing is proposed for future development activities; however, clearing of eleven dead or dying trees is proposed in the 100-foot Buffer. We recommend the applicant consult with the Department of Natural Resources and the U.S. Fish and Wildlife Service to determine whether this type of selective clearing could impact the squirrel habitat. This comment was listed on the November 1, 2007 letter from this office. No documentation of coordination with Department of Natural Resources and the U.S. Fish and Wildlife Service on this matter has been submitted.

Jennifer Jackson
November 20, 2008
Page 2 of 2

3. The stream on this site has a 100-foot Critical Area Buffer, as shown on the plan. The stream Buffer is contiguous to the nontidal wetland (pond) shown on the plan, requiring expansion of the Critical Area Buffer to include the entire nontidal wetland (pond). If any impacts are proposed to Buffer for the road, a variance is required to County Code section 14:1-51.

Thank you for the opportunity to comment. Please contact me if you have any questions at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 521-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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November 20, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

**Re: 03-08-11-0004-C, Relocation of Lot Line for Reed Creek LLC
405 Wrights Neck Road, Centerville**

Dear Ms. Jackson:

Thank you for providing information on the above referenced lot line revision. The applicant proposes to relocate lot lines on a portion of this site that is outside of the Critical area; therefore, this office has no comments regarding this proposal. Please contact me if you have any questions at (410) 260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 521-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 20, 2008

Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: CP 04-08-11-002-C, Kent Narrows Point Restaurant Site Plan

Dear Mr. Hall:

Thank you for providing plans for the above referenced project. The site is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area and is within a Buffer Exempt Area (BEA). The plans indicate that the applicant proposes to redevelop the site with new commercial restaurant, gazebo complex, patio, boardwalk, parking and dock/finger pier facilities. The following comments apply to the information on the submitted plan.

1. This project must meet all applicable requirements under County Code § 14:1-53 (Specific provisions for Buffer Exempted Areas). For any structures proposed in the underlying zone setback that are new, a variance may be required per § 14:1-53, which this office would not support unless the applicant can demonstrate that the project meets all applicable variance standards. A 15-foot BRL is shown on the plan, but a proposed gazebo and decks are shown in that 15-foot BRL. The cover sheet refers to a 50 foot area. Please have the applicant show the applicable setback line on the plans and address § 14:1-53 in respect to the appropriate line.
2. Please submit a copy of the findings by the Planning Director to address § 14:1-53. This project must meet all applicable requirements under County Code § 14:1-53 (Specific provisions for Buffer Exempted Areas).
3. County Code § 14:1-53.E (Buffer Mitigation) requires mitigation for an approved development in the Buffer exemption area. Please address the requirements of this section for mitigation.

4. If the applicant has contacted the Wildlife and Heritage Service with DNR to determine whether there are any necessary conservation measures related to sensitive species for development at this site, please have the applicant submit a copy of the letter to this office.
5. The County received a Conditional Approval for the Wells Cove Landing project from the Critical Area Commission that included the following condition: "Prior to commencement of construction, Queen Anne's County shall submit the final planting plan to Commission staff for review and approval. The plan shall include the size, type and quantity of plantings, which will consist of native species suitable for this site." The site plan submitted states that the parking lot for Wells Cove Landing is currently under construction. However, this office does not have a final planting plan. Please provide the final planting plan to this office to meet the condition of approval granted by this office.
6. The site plan includes existing and proposed impervious surface areas for the complete project. The narrative with the application states that impervious reduction and stormwater facilities under construction will address Critical Area water quality requirements; however, no further documentation or plans are provided. Please provide a completed 10% Rule Worksheet A stormwater pollution reduction calculations and a concept plan for the type, location and estimated sizing of BMPs to confirm that the plans for the site can accommodate them.

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 656-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 24, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 04-08-11-0005-C, Metcalfe Subdivision

Dear Mr. Hall:

Thank you for providing information on the above referenced proposal. The site is within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The applicant proposes to reconfigure an existing parcel and two lots. Based on the information provided, we have the following comments.

1. The Critical Area criteria (COMAR 27.01.02.07.B.2.a) and more recently, Chapter 119 of the 2008 Laws of Maryland, require local Critical Area programs to include procedures for lot consolidation and reconfiguration in order to bring certain lands into conformance with the County's Critical Area Law and Program to the extent possible. This requirement is intended, in part, to recognize that while impacts to Habitat Protection Areas (HPAs), including the Buffer, may be unavoidable in developing individual grandfathered lots of record, opportunities exist to minimize impacts to HPAs where grandfathered lands can be combined and/or reconfigured. In order to proceed with the proposed reconfiguration, the County must provide documentation of the grandfathered status of the lots and demonstrate how the proposed action has been brought into conformance with the Critical Area law and local program to the extent possible. Please submit a copy of the written findings to this office prior to final approval of the proposed plat.
2. As stated above, the County must provided documentation that the parcels in question are legally grandfathered parcels of record. Based on the information provided, it is not clear when the deeded lots were recorded and whether subdivision regulations were in place at the time. Please submit the necessary information to document the status of the parcels.

3. Chapter 119 of the 2008 Laws of Maryland require a 200 foot Buffer on new subdivisions in the RCA. Please revise the plat accordingly.
4. If the County provides documentation that the three parcels are grandfathered parcels of record a plat note must be placed on the subdivision plat restricting any further subdivision of Tax Parcel 3.
5. This office opposes creation of lots that would require a variance to develop; therefore, it is necessary to confirm that the Critical Area Buffer is correctly located prior to approval of this lot reconfiguration. Please have the applicant confirm the location of wetlands on this site with a wetland delineation, and show any necessary Buffer expansion to include any contiguous nontidal wetlands. Additionally, under § 14:1-52 the County Planning Commission must make a determination for Buffer expansion at this site for the hydric soils which may require Buffer expansion.
6. County Code section 14:1-5 requires that the Planning Commission make findings that the proposed development or activity is consistent with the goals and objectives of the Queen Anne's County Critical area Program. The Queen Anne's County Critical area Program contains numerous policies regarding the 100-foot Buffer, including the requirement to establish the Buffer in order to provide for water quality and habitat functions. In conjunction, COMAR 27.01.09.01.C(6) requires that when agricultural use of lands cease within the Buffer, the Buffer will be established in three-tier forest vegetation to meet the functions described above. Therefore, until the applicant provides a Buffer Management Plan describing how the Buffer will be established, the Planning Commission may not make findings that the proposed reconfiguration is consistent with the County Program.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 651-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 24, 2008

Deann Alder, Plans Reviewer
Commissioners of Leonardtown
Po Box 1
Leonardtown, Maryland 20650

Dear Mr. Alder:

RE: St. Mary's Ryken High School Expansion – site plan

Thank you for providing information on the referenced St. Mary's Ryken High School expansion project. The subject site is partially within the Critical Area with a split designation of Resource Conservation Area (RCA) and Intensely Developed Area (IDA). A significant portion of the property is within the Critical Area Buffer which has been expanded for highly erodible soils and steep slopes. The site is currently developed with the existing high school facilities, including buildings, sports facilities, parking, stormwater management and other associated facilities. The site received approval from the Critical Area Commission for a map mistake correction and growth allocation to change what was originally RCA on portions of the site into IDA. The proposed expansion includes elements of the Ryken High School master plan that are proposed within the Critical Area, including removal of existing impervious surface, addition of a new parking lot, access drive, stormwater management facilities and sports facility (track, athletic field and stadium). The following comments apply to the project.

1. The plans submitted do not show the location of the Critical Area Buffer. Please revise the plans to include the Buffer on all sheets. The Buffer must be expanded for highly erodible soils as determined in the report submitted to the Critical Area Commission by St Mary's County in November 2007.
2. Likewise, the boundary of the RCA/IDA split should be shown on all sheets.
3. The site received approval for a map amendment to change the Critical Area designation to IDA on December 7, 2007 based on the information provided by the County that the expansion plans do not propose any development activity including grading or other disturbance within the expanded Critical Area Buffer. It appears that the proposed plans

include grading for a driveway within the Buffer. There should not be grading in the Buffer associated with the project.

4. The project must meet the 10% Stormwater pollutant removal requirement for the development in the IDA portion of the site. Please provide a copy of the completed Worksheet A from the Critical Area 10% manual for this project to address this requirement.

Thank you for the opportunity to provide comments on this site plan. If you would like to discuss these comments, please call me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: Sue Veith, St. Mary's County Government

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 25, 2008

Frank Hall
Queen Anne's County
Department Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 07-08-11-0008, Lubar subdivision

Dear Mr. Hall:

Thank you for providing information on the above referenced subdivision/lot reconfiguration. The applicant proposes to remove the line between two lots to create a single lot. The site is currently developed with a house and associated accessories on one of the lots, while the other is essentially undeveloped. The site is within in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. No new development activities are proposed in the Critical Area under this proposal. The following comments apply to the proposal.

1. The Critical Area criteria (COMAR 27.01.02.07.B.2.a) and more recently, Chapter 119 of the 2008 Laws of Maryland, require local Critical Area programs to include procedures for lot consolidation and reconfiguration in order to bring certain lands into conformance with the County's Critical Area Law and Program to the extent possible. This requirement is intended, in part, to recognize that while impacts to Habitat Protection Areas (HPAs), including the Buffer, may be unavoidable in developing individual grandfathered lots of record, opportunities exist to minimize impacts to HPAs where grandfathered lands can be combined and/or reconfigured.

In order to proceed with the proposed reconfiguration, the County must provide documentation of the grandfathered status of the lots and demonstrate how the proposed action has been brought into conformance with the Critical Area law and local program to

the extent possible. Please submit a copy of the written findings to this office prior to final approval of the proposed plat.

2. Please note that future development will be required to meet LDA standards including the 15% lot coverage limit.

Please feel free to contact me at (410) 260-3479 if you have any questions.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 666-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 25, 2008

Mr. Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 04-08-11-0006-C, Foor Subdivision

Dear Mr. Hall:

Thank you for providing information on the above referenced subdivision proposal. The area is designated Limited Development Area (LDA). The applicant proposes to divide a single lot into four new lots for single family dwellings. According to the plans, the 15% afforestation requirement will be met by afforestation on the site. This office has the following comment:

1. The plat plans include figures referring to impervious surface limits for the proposed lots. Please have the applicant revise the plans to refer to lot coverage limit instead.
2. We recommend replacing the cypress with Eastern red cedar.

Thank you for the opportunity to comment. Please contact me at (410) 260-3479 if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 662-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 25, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: 04-1512, Krilich house addition variance

Dear Ms. Chaillet:

Thank you for providing information on the above-referenced variance application. The lot is 27,434 square feet in size and is designated as a Limited Developed Area (LDA) and is entirely within the Critical Area Buffer. There is an existing house with associated amenities including a 20-foot wide driveway leading to a detached garage, gazebo, decks and walkways on the site. The applicant is requesting a variance to the 100 foot Buffer to allow construction of additions on the house and an expanded driveway. A walkway and gazebo would be removed as part of the project.

Providing the lot is properly grandfathered, this office does not oppose a variance for construction of new structures (house additions) in the expanded Buffer on this site; however, in order to meet the variance standards and receive a variance the impacts must be further minimized as explained below.

1. Based on the site plan, it appears that there are opportunities to further minimize disturbance by reducing the size of the existing driveway, providing stormwater management best management practices for the additions and preferably the existing dwelling and detached garage as well and providing mitigation in the form of native plantings in the Buffer on site between the house and the shoreline. This office may be able to support a variance that further minimizes the Buffer impacts.
2. Mitigation for the impacts must be provided at a 3:1 ratio. The mitigation plantings should be in the Buffer on site to the extent possible.

Letter to Yvonne Chaillet
November 25, 2008
Page 2 of 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at (410) 260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to be 'M. Johnson', written over a horizontal line.

Marshall Johnson
Natural Resource Planner

cc: SM 560-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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November 26, 2008

Mr. Robert J. Jubic Jr. P.E.
Delmarva Power
P.O. Box 9239 (MS: 79NC64)
Newark, DE 19714-9239

RE: PEPCO power poles Grasonville-Stevensville substations, Queen Anne's County

Dear Ms. Nicholas:

Thank you for providing information on the above referenced project. According to the information I received, the project includes maintenance replacement of eight poles and three new poles in the Critical Area Buffer for an existing power line. The sediment and erosion control measures for the project will provide the necessary minimization of disturbance and the impacts will be temporary in nature. Based on the plans submitted, the scope of this project is minor and related to maintenance of the existing line. In this case the impacts do not require further review by this office. Thank you for sending the plans to me for comment. If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson", written over a horizontal line.

Marshall Johnson
Natural Resources Planner

cc: Robert J. Jubic via fax 302-454-4912

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 1, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: 08-1865, Anderson after the fact variance request

Dear Ms. Chaillet:

Thank you for providing information for the above referenced variance request. The site is a 20,042 sf lot located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area and is partially within the Critical Area Buffer. There is an existing house on the site with accessory structures including stairs, walkways and a wood stoop within the Buffer. The house was built in 2006 without a variance because it was a replacement structure. However the permit approved for the construction did not include permission to build the stairs, one of the walkways and the stoop. The applicant is requesting a variance to maintain the stairs, walkway and stoop in the Buffer, and to build a new second story wooden deck on the house within the Buffer. Lot coverage for this lot is limited to 6,263 sf. The lot coverage for the house as permitted is 4,626 sf. The structures described above equal an additional 263 sf. The proposed deck does not count toward lot coverage as long as the construction allows water to pass freely though, which it appears that the applicant has proposed. However, a variance is required to build the deck and for the stair, walk and stoop to remain because they would be new non-water dependant structures in the Buffer, which are prohibited under the County Ordinance. This office does not oppose the variance; however, the following comments apply to the proposal.

1. The applicant should provide mitigation at a ratio of 3:1 per the requirements of Section 24.4.2 of the St. Mary's Comprehensive Zoning Ordinance. Plantings should consist of native vegetation and be accommodated on site in the Buffer.
2. The project application indicates over 6,000 sf of developed woodland onsite which does not appear to be reflected on the site plan. Any previously required planting should be confirmed by the County staff prior to approval of additional activity on the site.

Ms. Yvonne Chaillet
December 1, 2008
Page 2 of 2

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: Marianne Dise, Commission Council
Christy Chesser, St Mary's County Attorney
SM 612-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 1, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: **AFTER THE FACT VARIANCE/VIOLATION**
08-1865, Anderson

Dear Ms. Chaillet:

We are in receipt of your request for review of an after the fact variance for the above-referenced applicant. As of July 1, 2008, all critical area development activities which require after-the-fact variances are considered violations of the Critical Area law. Before seeking a variance to legalize the illegal structure, in this case a stair, walk and stoop in the Buffer, the County must issue a notice of violation, assess a fine, be in receipt of a restoration or mitigation plan and the applicant shall have performed the abatement measures in the plan. The County may not issue the variance until these measures have been taken.

The property is currently developed with a single family dwelling and it is classified as a Limited Development Area (LDA). The house was built in 2006 and the County did not require a variance because it was a replacement structure. In addition to the house there is an existing stair, walkways and a wood stoop within the Buffer. The permit approved for the construction on the site did not include permission to build the stair, one of the walkways or the stoop. In this case, the applicant seeks an after the fact variance to permit development within the 100 ft. Buffer for the stair, one walkway and the stoop. The structures in the Buffer that were not part of an approved permit constitute a Critical Area violation.

I have been informed that the County has not issued a "Notice of Violation" at this time. However, other corrective actions are being required by the County which includes reviewing of an after the fact site plan and variance. It is my understanding that a bond has been submitted so that if the site plan and variance are not approved then removal of the un-permitted structures will be enforced.

As stated in the first paragraph above, Chapter 119 of the 2008 Laws of Maryland includes a number of provisions for after the fact variances that are applicable in this case. In addition to sections on penalty determinations and variance standards, the following applies to initial processing:

1. St Mary's County may not accept an application for a variance to legalize a violation, including an un-permitted structure until the County first issues a notice of violation, including assessment of an administrative or civil penalty, for the violation.
2. St Mary's County must consider the environmental impact, and costs of site restoration and local government inspections in determining a penalty.
3. St Mary's County cannot issue a permit, approval, variance or special exception until the applicant has:
 - a. Fully paid all administrative, civil, and criminal penalties imposed.
 - b. Prepared a restoration or mitigation plan, approved by St Mary's County that abates impacts to water quality and natural resources as a result of the violation.
 - c. Implemented the abatement measures in accordance with the County's Program.

Please contact me about how the County intends to proceed with this process. When the County is prepared to hear the variance, please include, as part of the record, the attached Comments on the proposed variance request. If you have any questions, please call me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Marianne Dise, Commission Council
Christy Chresser, St Mary's County
SM 612-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 1, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management and Environment
160 Coursevall Drive
Centerville, MD 21617

Re: 04-08-05-0005-C, Blunt Marsh Farm - Davidson Subdivision

Dear Ms. Tompkins:

Thank you for providing revised information on the above referenced administrative subdivision. The applicant proposes to divide the existing parcels located in the Resource Conservation Area (RCA). Comments have been provided below.

1. Section 14:1-22 establishes that subdivision of RCA lands at a density of one dwelling unit per 20 acres is based on the original grandfathered parcel of record. State tidal wetlands may not be included in the acreage of RCA property used to establish the number of development rights. Therefore, the recorded plat must document how many development rights have been used based on the original 379 acre parcel of record (prior to the 1993 subdivision) less State tidal wetlands. In 1993, it appears that four development rights were utilized in the Critical Area. Please provide the information on the property's subdivision history as requested in the October 14, 2008 letter from this office (attached) in order to evaluate the ability of the applicant to further subdivide as proposed.
2. County Code section 14:1-5 requires the Planning Commission to make findings that the proposed development or activity is consistent with the goals and objectives of the Queen Anne's County Critical area Program. The Queen Anne's County Critical Area Program contains numerous policies regarding the 100-foot Buffer, including the requirement to establish the Buffer in order to provide for water quality and habitat functions. In conjunction, COMAR 27.01.09.01.C(6) requires that when agricultural use of lands cease within the Buffer, the Buffer will be established in three-tier forest vegetation to meet the functions described above. Therefore, until the applicant provides a Buffer Management

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Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Plan describing how the Buffer will be established, the Planning Commission may not make findings that the proposed reconfiguration is consistent with the County Program.

3. The information submitted regarding the methods to determine State versus private wetlands should include additional information to document that the delineation is correct. This information should include elevations for mean high water, and assessment based on transects through these areas on the site. To ensure consistency we recommend that the delineator provide mean high water elevations for Thompson Creek, Cox Creek and Warehouse Creek.
4. On the submitted plat plan areas of State tidal wetland are shown within the boundary of proposed lots. The annotated Code of Maryland State Finance and Procurement Article §10-301 establishes inland waters of the state and land under those waters as State real property. In addition, State Finance and Procurement Article §10-305 sets out requirements for any transfer of State real property. Any transfer of State property must be executed by the Board of Public Works (pursuant to §10-305). Absent a valid grant, lease, or patent, State wetlands (as defined by Environment article §16-101) remain the property of the State. Therefore the State wetlands may not be included in the lot boundaries for the proposed subdivision, and the plat plan must be revised prior to approval by the County. Please submit a revised plat plan to this office.

Thank you for the opportunity to comment. Please submit a copy of the revised subdivision plan to this office when it is available. Please call me with any questions: (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 293-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 1, 2008

Holly Tompkins
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: 05-08-11-0003-C, Medical Park

Dear Ms. Tompkins:

Thank you for providing information on the above referenced proposal to construct a new medical facility. The site is an undeveloped agricultural property located partially within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area and there is a Critical Area Buffer on the site from an adjacent tributary stream. The Code of Maryland Regulations (COMAR) 27.01.02.05 and County Code § 14:1-39 do not allow the proposed use in the RCA; therefore, as you know, growth allocation will be required for this project. Please contact me to discuss the procedure and materials required for the County to make a growth allocation request for this project. I have provided preliminary comments below on the site plan that was submitted and addressed the proposal assuming that growth allocation will be requested to change the Critical Area designation from RCA to Intensely Developed Area (IDA).

1. A wetland delineation is required to accurately locate the 100-foot Buffer. The 100-foot Buffer must be expanded to include any contiguous non-tidal wetlands. Additionally, under § 14:1-52 the County Planning Commission must make a determination for Buffer expansion at this site.
2. The 10% stormwater pollution reduction calculations submitted state that additional BMPs in a series will be needed to meet the 10% requirements. In order to submit the growth allocation request, the applicant must submit conceptual stormwater management plans and a revised Worksheet A to address the entire 10% removal requirement. Typically treatment ponds or other best management practices (BMPs) are not allowed in the Critical Area 100-foot

Buffer. The plans submitted show a BMP in an area with hydric soil contiguous to the Buffer, for which the Buffer may require expansion (see comment above).

3. The submission for growth allocation must also include a letter from the DNR Wildlife and Heritage Service regarding the project. Any additional requirements of DNR Wildlife and Heritage Service for habitat protection areas must be addressed.
4. Based on our review of aerial imagery, it appears the site may qualify as potential FIDS (Forest Interior Dwelling Species) habitat. If DNR Wildlife and Heritage Service indicates the site contains FIDS habitat, the growth allocation request should contain information regarding this resources and any proposed impacts. A field survey may be appropriate to confirm the presence of FIDS. Please review the 2000 guidance manual "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area" for further details.

In addition to the comments above, I have the following information regarding the growth allocation process.

The Critical Area law and Criteria contain standards pertaining to the location of new LDA and IDA within the Critical Area. The County must address the following standards for the proposed growth allocation project.

- a) Locate a new Intensely Developed Area in a Limited Development Area or adjacent to an existing Intensely Developed Area in the County.
- b) Locate a new Limited Development Area adjacent to an existing Limited Development Area or an Intensely Developed Area.
- c) Locate a new Intensely Developed Area in a Limited Development Area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality.
- d) Locate new Intensely Developed Area or Limited Developed Area in a Resource Conservation Area at least 300 feet beyond the landward edge of tidal wetlands.
- e) New Intensely Developed or Limited Development Areas to be located in the Resource Conservation Area shall conform to all criteria of the Commission for Intensely Developed or Limited Development Areas and shall be designated on the comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for program approval or at a later date in compliance with Section 8-1809(g).
- f) Except in Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester, no more than one-half of the expansion allocated in the criteria of the Commission may be located in Resource Conservation Areas.
- g) The area of expansion of Intensely Developed or Limited Development Areas, or both, may not exceed an area equal to 5 percent of the county's portion of the Resource Conservation Area lands that are not tidal wetland or federally owned.
- h) When planning future expansions of Intensely Developed and Limited

Development Areas, counties, in coordination with affected municipalities, shall establish a process to accommodate the growth needs of the municipalities.

- i) New Intensely Developed Areas should be located where they minimize impacts to the defined land uses of the Resource Conservation Area.

If the above standard a) can not be met by the project, there is an option for the County to propose a text amendment to the County Critical Area ordinance for approval by the Commission with locational standards that can be used as an alternative to the adjacency requirements in reviewing these proposals.

As of July 1, 2008, the growth allocation guidelines found in Natural Resources Article 8-1808.1(c) are standards. In addition, the Commission shall consider the following additional factors for a map amendment or refinement involving a new IDA:

- a) Consistency with the jurisdiction's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan;
- b) Whether the development is to be served by a public wastewater system;
- c) Whether the development is to have an allowed average density of at least 3.5 units per acre, as calculated under §5-7B-03(H) of the State Finance and Procurement Article;
- d) To have a demonstrable economic benefit to the area
- e) Consistency with the State and Regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on or off-site;
- f) Impacts on a Priority Preservation Area, as defined under §2-518 of the Agriculture Article;
- g) Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams; and
- h) Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.

As part of the formal growth allocation submittal package to the Commission, the County (applicant) must address each of the above factors.

Thank you for the opportunity to provide comments on this proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 641-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

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December 3, 2008

Brandy Glenn
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: 08-131-042, Service Launch Co.

Dear Ms. Glenn:

Thank you for providing information on the above referenced proposal. The site is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The plan shows existing development on the site including a boat launch, parking and related buildings. The applicant has requested approval of launch service use of the site from the County. No new development is proposed. Therefore, this office has no comment.

Thank you for the opportunity to provide comments. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson, Natural Resources Planner

cc: SM 649-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 3, 2008

Ms. Jennifer Jackson
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: File # 05-06-11-0009-C; Waterman Realty Subdivision

Dear Ms. Jackson:

The site is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area. The applicant is proposing to subdivide the site into four lots for residential development. The Critical Area Commission staff has the following comments.

1. The applicant has provided updated stormwater management information and met with this office and County stormwater reviewers regarding the 10% stormwater pollutant removal requirement for this site. The 10% worksheet A, plans showing rooftop and non-rooftop disconnect and stormwater management notes on the plat that were submitted sufficiently demonstrate that development of the proposed lots can meet the 10% requirement.
2. As stated in the previous letter from this office, the road adjacent to the site does not affect the requirement for field locating the 100-foot Buffer. As stated previously, the 100-foot Buffer must be delineated in the field as mean high water or the edge of tidal wetlands may have changed since the 1972 wetland map. Please have the applicant delineate the Buffer appropriately.

Thank you for the opportunity to provide comments on this proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

Marshall Johnson, Natural Resources Planner

cc: QC 758-06
Steve Layden - McCrone, Inc., 207 N. Liberty Street, Centreville, MD 21617

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Martin O'Malley
Governor

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Margaret G. McHale
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Executive Director

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December 4, 2008

Frank Hall
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

RE: MISP# 04-08-11-0007-C, Dixon Site Plan

Dear Mr. Hall:

Thank you for providing plans for the above referenced project site plan. The lot is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area. The applicant proposes to develop the currently undeveloped site with the new apartment building, garage, parking lot and stormwater facilities. This office has the following comments on the resubmitted material.

1. If the existing vegetation on site meets the definition of developed woodlands in the County Code § 14:1-11, then § 14:1-37.E, which involves limits on clearing to no more than 20%, applies to this project. The County should confirm whether this requirement of the County Critical Area ordinance applies to the proposal.
2. Page 7 of the SWM plan and sheet C-7.1 refer to raingardens. Raingardens may not be used in commercial development to meet the 10% requirement (see Critical Area 10% Rule Guidance Manual Appendix E and F).
3. The submitted Worksheet A, Step 5 conflicts with the plans because there are no infiltration trenches included as Worksheet A matching the 10% Manual specifications shown on the plans or described in the SWM narrative. Also, Worksheet A indicates 100% of the drainage area is being served by the infiltration trench which is not the case. The arrows indicating drainage direction on Sheet C-5.1 indicate that much of the drainage from the parking lot is directed to the eastern edge of the property. Please address this issue and revise the Worksheet A.

4. Section 5.2 of the MDE stormwater manual has a bulleted list of restrictions regarding runoff disconnect. The fourth and fifth bullets state that the disconnection length limit can be compensated using drywells. However, the third bullet restricts the area contributing to a single discharge to 500 square feet or less, and there is no option for compensation on this restriction. Therefore, the applicant must explain how the project meets that restriction.
5. For the rooftop disconnect, the runoff from the roof(s) must be directed to a vegetated channel, swale or filter strip. The plans indicate that the rooftop runoff is directed to a dry well and the narrative on page 9 of the SWM plan is not clear as to how this restriction is met. Please clarify or redesign the SWM plan to meet this restriction for rooftop disconnect.
6. To use an infiltration system at this site, Table 4.4 of the MDE stormwater manual indicates that there must be at least 2 feet distance to the water table. It does not appear that the infiltration BMP proposed meets this requirement, in which case the removal efficiency is only 50% and the 10% requirement is not met. Please address this issue and if necessary revise the stormwater management plans accordingly.
7. Please confirm that time of year restrictions on development activity at this site will comply with the recommendations for protection of sensitive species habitat as described in the October 23, 2008 letter from DNR Wildlife and Heritage Services. The Environmental Assessment (page 4) submitted does not clearly state that the time of year restriction will be met.
8. County Code §14:1-52 should be addressed to determine whether the 100-foot Buffer must be expanded for the hydric soils on this site.

Thank you for the opportunity to provide comments on this development proposal. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 669-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 5, 2008

Ms. Susan McCauley
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Cape St. Mary's Marina – Major Site Plan

Dear Ms. McCauley:

We received a revised site plan for review and comment on November 26, 2008 from the applicant. The applicant is proposing to re-develop an existing marina facility. The entire site is within the expanded Critical Area Buffer. The restaurant will be relocated but will not exceed the footprint area of the existing restaurant. The boat shop will be reconstructed within the same footprint as the existing shop building. Because the site of the existing restaurant is to be used for parking and access improvements, it is not available for plantings. Therefore, an area equivalent to the footprint of the restaurant will be established on site in the Buffer with forest vegetation. A boardwalk for access to the boat slips will be provided, and planting beds will be installed as required under by the County. This office has no additional comments regarding the proposal.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3475.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resource Planner

SM 157-03 164-07

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 5, 2008

Mr. Frank Hall
c/o Ms. Barbara Norrington
Dept. of Land Use, Growth Mgmt. and Environment
160 Coursevall Drive
Centreville, MD 21617

Re: File #04-08-05-0003-C -David and Sally Kramer Subdivision.

Dear Mr. Hall,

Thank you for sending the additional information on the above referenced request for subdivision through intrafamily transfer. Please have the applicant submit a copy of the prior deed which established Parcel 12 as a legal lot of record. The deed is referred to in the standard Land Installment Contract submitted. A copy of this deed is necessary to confirm that this parcel can be subdivided under the grandfathering provisions in COMAR 27.01.02.06.

Please contact me should you have any questions at 410-260-3479 or would like to provide additional information. Thank you for submitting this project for review and comment.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: QC 264-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 8, 2008

Dave MacGlashan
Queen Anne's County
Parks & Recreation
1945 4-H Park Road
Centreville, MD 21617

RE: Ferry Point Park Concept Plan, Queen Ann's County

Dear Mr. MacGlashan:

Thank you for submitting the revised plans and information for the Ferry Point Park project. This is a County project on County property within the Chesapeake Bay Critical Area. Portions of the site are designated Resource Conservation Area (RCA), Limited Development Area (LDA) and Intensely Developed Area (IDA). As you know, review of the project by the Critical Area Commission is required under Code of Maryland Regulations (COMAR) 27.02.02 (State and Local Agency Actions Resulting in Development of Local Significance on Private Lands or Lands Owned by Local Jurisdictions). The following comments apply to the updated plans.

1. Please provide a narrative explaining how the project meets each of the criteria listed under COMAR 27.02.06.01 for conditional approval (attached).
2. Please indicate the disturbance area required for the work with a "Limit of Disturbance" line on the plan and calculate the area of this disturbance proposed in the Buffer and outside the Buffer. The disturbance area is that required for all trail creation, development activity including any machine maneuvering, stockpiling and staging, soil disturbance and impact to existing vegetation and any other construction related work for the proposed project. This information will be used to calculate the mitigation requirement.
3. The paths used for access to the observation platforms and boardwalk are mitigated at a ratio of 2:1. All other Buffer disturbance areas (including any expansion of the impervious surface for the outdoor classroom) are mitigated at a ratio of 3:1. Please calculate the mitigation according to these ratios and the disturbance area described above.

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4. For the future outdoor classroom please clarify whether the existing dilapidated structure will be repaired or replaced in kind, and if the outdoor classroom footprint will exceed the existing structure, and what materials will be used for the construction. Please note that the pathways leading to the outdoor classroom and the observation structure must be mitigated at the 3:1 ratio.
5. Please clarify the area of existing trail and road surfaces versus the area of new surfaces and the area of any resurfacing of existing development. If any portions of existing road/trails, such as the 22 foot wide entry road, will be resurfaced or improved, mitigation at a ratio of 3:1 will be required. If no improvements are anticipated please revise the description of the existing road on the plan to state: "Existing road to remain in current condition."
6. The proposed path design, surface type and width must be justified by providing data regarding expected use and frequency, including use of existing path systems in the vicinity or similar supporting information.
7. As we discussed, the Maryland Department of the Environment (MDE) wetland permits must be approved prior to the Commission meeting. **The project has been placed on the January 3rd Commission agenda tentatively, but will be removed from the agenda if the wetland permits are not approved by that date.**

Thank you for the opportunity to comment on this submittal. If you have any questions or concerns, please contact me at (410) 260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: Steve Cohoon, Queen Anne's County
QC 499-08

Attachment: Criteria for conditional approval

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 9, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: 08-0371, Holton house variance

Dear Ms. Chaillet:

Thank you for providing information on the above-referenced variance application. The 20,037 square foot lot is designated as a Resource Conservation Area (RCA) and is completely within the Critical Area Buffer expanded for highly erodible soils and steep slopes. The lot is undeveloped and forested. There are steep slopes on the site. The applicant is requesting a variance to allow construction of a house, SRA and associated facilities within the Buffer. In addition, the applicant is requesting a variance to allow clearing of 12,465 square feet of the existing forest on the site, which exceeds the 30% forest clearing allowed under County Critical Area regulations.

Providing the lot is properly grandfathered, this office does not oppose the variance. If possible, we recommend only clearing for one of the septic areas at this time, until the second one is needed. The new development should include stormwater management design elements which increase benefits to water quality from the stormwater leaving the site, particularly in order to help mitigate for the impacts to the highly erodible soils and steep slopes. The mitigation plantings should meet the requirements of the County Code (Section 72.3.5 - Planting Specifications).

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at (410) 260-3479.

Sincerely,

Marshall Johnson
Natural Resource Planner

cc: SM 665-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Screy
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
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December 9, 2008

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Brandy Glenn
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: 08-110-060, Watson Subdivision

Dear Ms. Glenn:

Thank you for providing information on the above referenced subdivision proposal. The site is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The plan indicates that the County has permitted the replacement of two existing dwellings with hurricane damage on this site, and that the applicant wishes to divide the lot into two new lots with one house on each. The following comment applies to the proposal.

1. Please have the plat plan revised to reflect lot coverage, instead of impervious surfaces. The total lot coverage for the entire site can not exceed 15%. The summary of existing and allowable areas on the plan should reflect lot coverage.
2. Afforestation is required to meet the minimum forest cover standard as stated in County Code section 72.3. Please revise the plan to address this requirement.

Thank you for the opportunity to provide comments. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

Marshall Johnson
Natural Resources Planner

cc: SM 814-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 29, 2008

Robert Tabisz
MDE - Water Management Administration
Nontidal Wetlands & Waterways Division
201 Baptist Street
Salisbury, MD 21801

**RE: 200864560/09-WL-0459, Queen Anne's County Sanitary District
Cox Creek Emergency Sewer Main Installation (after the fact)**

Dear Mr. Tabisz:

Thank you for providing information on the above referenced application. The applicant emplaced sewer mains below Cox Creek. If the work included impacts in the Critical Area Buffer (landward of mean high water or tidal wetlands) for this project, Critical Area program requirements must be addressed, including minimization and mitigation for impacts to the Critical Area Buffer. The applicant should contact this office if work for this project occurred in the Buffer.

If you have any questions about this information, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: Steve Cohoon, Queen Anne's County

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 30, 2008

Jennifer Ballard
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Boothe house building permit
Case Number 08-2451

Dear Ms. Ballard:

Thank you for submitting the above referenced site plan for review and comment. The applicant is proposing a new house on the subject site that exceeds 5,000 square feet of disturbance. The site is Parcel 410, Lot 6 which is a 2 acre lot located entirely within Resource Conservation Area (RCA). Based on the information provided I have the following comment:

1. It would appear the 100-foot Buffer to the tributary stream shown on the site will need to be expanded for steep slopes. There is no line on the plan submitted that is labeled as the Critical Area Buffer. Expansion for the steep slopes is not addressed. Please address the need for expansion of the Buffer for the slopes and clearly show the Buffer location on the plan. This information is needed in order to ensure that the proposed development meets the Critical Area requirements.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resource Planner

SM 697-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 30, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

RE: Finnacom house addition variance; 08-2345

Dear Ms. Chaillet:

Thank you for providing information for the above referenced variance request. The site is located within the Intensely Development Area (IDA) of the Chesapeake Bay Critical Area and is within an expanded Critical Area Buffer. There is an existing house on the site. The applicant is requesting a variance to build additions and a driveway within the Buffer. The County has indicated that the proposed additions are modest and it appears that the project represents reasonable expansion of existing development. This office does not oppose the variance based on the submitted site plan. The following comment applies to the proposal.

Mitigation should be required at a ratio of 3:1 for the disturbance area that is within the Buffer. Recommended mitigation plantings consist of a mix of native species of trees, shrubs and ground cover on the site within the Buffer and should consist of one tree (two-inch-caliper) and three shrubs (two-gallon-pots) per 400 square foot mitigation area required.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3479.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marshall Johnson".

Marshall Johnson
Natural Resources Planner

cc: SM 668-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 30, 2008

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P O Box 653
Leonardtown, Maryland 20650

Re: Errington Variance Request; 07-2857
45112 Lighthouse Road

Dear Ms. Chaillet:

Thank you for providing the revised plan and information on the above referenced variance request. The subject site is a 0.611 acre lot located within the Intensely Developed Area (IDA) designation of the Chesapeake Bay Critical Area. The site is a grandfathered lot currently developed with a single family dwelling and associated accessory structures. As stated in the previous letter, provided the lot is properly grandfathered this office does not oppose a variance to redevelop the site. However the variance granted should be the minimum necessary and impacts should be mitigated. We have the following comments:

1. The applicant is required to comply with the 10% pollutant reduction rule regardless of whether a variance is necessary. The reduction in impervious surface is only one method to meet the 10% requirements and is not an offset to providing mitigation for Buffer impacts.
2. Mitigation for impacts to the Buffer should be based on the area of the disturbance to the Buffer, not just the removal of four trees. Therefore mitigation should be 21,327 square feet. In order to meet this requirement as much as possible on site, the applicant would need to plant the wetlands with native vegetation regardless.
3. The size of the proposal may be reduced and the applicant may reasonably use the property for residential purposes without excess paving, a pool or large detached garage.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: SM 292-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

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December 31, 2008

William Kastning
Town of Denton
13 North Third Street
Denton, Maryland 21629

RE: Glenfield Growth Allocation Proposal

Dear Mr. Kastning,

Thank you for forwarding information from the applicant regarding the above referenced growth allocation. Based on the preliminary information provided to Commission staff, I understand that the Town is requesting 9.891 acres of growth allocation to change the Critical Area classification of Tax Map 107, Parcels 92 and 393-Lot 2 from Limited Development Area (LDA) to Intensely Developed Area (IDA). The subject property was annexed into the Town of Denton in 2004.

At this time, the Town has requested that Commission staff review the application materials and provide preliminary comments and feedback to the Town regarding the proposed growth allocation request. Please note that the comments provided below represent a preliminary and informal review of application materials by Commission staff. Once a formal application to process the growth allocation and annexation request is received, additional staff comments may be provided as necessary. In addition, the Commission may have additional comments or concerns during its formal review process. The comments below include a request for additional information relating to the growth allocation standards found in Natural Resources Article, § 8-1808.1(c)(1), Annotated Code of Maryland, and factors found in under Natural Resources Article, § 8-1808.1(c)(3), Annotated Code of Maryland. In addition to the Town providing formal findings on the standards and factors for growth allocation, the following information/items/documents must be provided at the time of the Town's formal request for processing of the growth allocation and annexation by the Commission.

1. The project narrative must be supplemented with additional information necessary for review of the growth allocation request, including a summary of the subdivision history of the parcels since December 1, 1985. It must also address the reasons for the

need to change the Critical Area classification, a description of how the growth allocation supports the jurisdiction's overall planning goals, and references to the relevant sections of the local jurisdiction's adopted comprehensive and water and sewer plans, as well as the adopted zoning ordinance which demonstrate that the growth allocation request is consistent with these documents.

2. The environmental report must include calculations and stormwater facility design plans to ensure the proposed development will be able to meet the 10% pollutant reduction rule in the Intensely Developed Area. For the Intensely Developed Area, the conceptual 10% pollutant reduction rule worksheets and all supporting documentation, including drainage area maps and stormwater facility design specifications, is required. Please ensure that the stormwater documents include information regarding qualitative and quantitative management measures.
3. Please include a Critical Area map showing the land area to be changed, the current Critical Area designation the local jurisdiction proposes to change, and verification that the amount of proposed growth allocation indicated on the submitted map is accurate and equal to the amount of growth allocation to be deducted from the local jurisdiction's existing total allotment of growth allocation. In addition, please ensure that the map includes existing land classifications of all lots or parcels adjacent to the project site.
4. Please provide a field delineated location and extent of intermittent and perennial tributary streams and nontidal wetlands that is less than two years old. The site plan must show any Buffer areas, expanded to include contiguous slopes 15% or greater, hydric soils and highly erodible soils, and nontidal wetlands as required within a local program or within COMAR 27.01.09.01. In particular, please show the minimum 100-foot Buffer from the edge of any streams and the 25-foot buffer from nontidal wetlands. This should include field investigation and information regarding the hydrologic feature to the northwest of the site because a Buffer from that feature may extend onto this site and affect the proposed development design. Development activity, including stormwater facilities are not permitted in the Buffer and expanded Buffer.
5. If there is Critical Area Buffer on the site, a Buffer Management Plan must be provided to address required Buffer establishment and mitigation for any proposed impacts to the Buffer. The Buffer Management Plan must include a proposed planting plan showing the square feet of existing vegetation within the Buffer, general description of the species composition and square feet of any vegetation in the Buffer that is proposed to be removed. It should also show the plantings required to establish the Buffer or as mitigation for proposed impacts including the size, species, and location of all proposed plantings.
6. Please submit any written descriptions, specifications, easements and protective agreements necessary to ensure implementation of the Buffer Management Plan, as

well as bonding or other financial sureties to ensure long-term protection and maintenance of vegetation in the Buffer.

7. The site plans for the project must include additional proposed development features not currently shown, including outlots, residue parcels, storm drains and outfalls, utility connections, stormwater management systems, paths and walkways.
8. Please provide information addressing soil erosion and sediment control measures as well as information regarding an implementation strategy for these measures.

The preceding comments represent the review and evaluation of the project plans and documents by Commission staff. I look forward to working with you to address these comments as the project progresses through the local approval process. As you know, the Critical Area Commission must review and approve all requests for map amendments involving the use of growth allocation. During the Commission's formal review, they may request additional information or have additional concerns. Thank you for the opportunity to provide comments on this proposal at this stage in the project. Please contact me if you have any questions at (410) 260-3479. After January 9, 2009 please contact Kerrie Gallo for assistance with this growth allocation review at (410) 260-3482.

Sincerely,



Marshall Johnson
Natural Resource Planner

cc: Cynthia L. McCann, 114 W. Water Street, Centreville, Maryland 21617

